



IN THE UPPER TRIBUNAL
IMMIGRATION AND ASYLUM CHAMBER

Case No: UI-2023-005212

First-tier Tribunal No: PA/52950/2023
LP/01999/2023

THE IMMIGRATION ACTS

**Decision & Reasons Issued:
On 15 August 2024**

Before

UPPER TRIBUNAL JUDGE PERKINS

Between

**JRT
(ANONYMITY ORDER MADE)**

Appellant
in the First-tier Tribunal

and

SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent
in the First-tier Tribunal

**Determined without a hearing pursuant to
rule 34 of the Tribunal Procedure (Upper Tribunal) Rules 2008
at Field House on 15 August 2024**

Order Regarding Anonymity

Pursuant to rule 14 of the Tribunal Procedure (Upper Tribunal) Rules 2008, the appellant is granted anonymity.

No-one shall publish or reveal any information, including the name or address of the appellant, likely to lead members of the public to identify the appellant. Failure to comply with this order could amount to a contempt of court.

DECISION AND REASONS

1. The appellant appealed a decision of the respondent on 4 May 2023 refusing him protection.

2. His appeal was allowed but the Secretary of State was given permission to appeal the decision on grounds alleging, essentially, that the decision was reasoned inadequately.
3. The appeal was listed for hearing on 19 August 2024.
4. On 15 August 2024, acting a Liaison Judge, I received a message in the following terms:

“The Appellant is withdrawing from the error of law appeal and is content for the matter to be returned for a new hearing at the First Tier Tribunal.”
5. I caused the Respondent to be asked to comment on the message and received the following reply from Mr N Wain, Senior Presenting Officer:

“As these are the SSHD’s grounds of appeal, the appellant is not in a position to withdraw from the appeal. However, if it remains accepted that the grounds are made out and the decision contains material errors of law, as pleaded, then the Respondent is content for the FT decision to be set aside and remitted back to the First-Tier Tribunal given the issues involved.”
6. I understood the reference to the appellant before the First-tier Tribunal “withdrawing” to mean that they would not attend.
7. I am satisfied that the First-tier Tribunal erred in law by promulgating a decision that was reasoned inadequately.
8. I am further satisfied that the conditions in rule 34 of the of the Tribunal Procedure (Upper Tribunal) Rules 2008 apply.
9. I determine this appeal without a hearing. I allow the Secretary of State’s appeal. I set aside the decision of the First-tier Tribunal and I direct that the appeal be redetermined in the First-tier Tribunal.

Notice of Decision

10. The Secretary of State’s appeal is allowed.
11. The decision of the First-tier Tribunal is set aside.
12. I direct that the appeal be redetermined in the First-tier Tribunal.

Jonathan Perkins

Judge of the Upper Tribunal
Immigration and Asylum Chamber

15 August 2024