



IN THE UPPER TRIBUNAL
IMMIGRATION AND ASYLUM CHAMBER

Case No: UI-2023-003380

First-tier Tribunal No: PA/50427/2023

THE IMMIGRATION ACTS

Decision & Reasons Issued:
On 12 September 2023

Before

UPPER TRIBUNAL JUDGE SHERIDAN

Between

NM
(ANONYMITY DIRECTION MADE)

Appellant

and

Secretary of State for the Home Department

Respondent

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. This decision has been made pursuant to rule 34 of the Tribunal Procedure (Upper Tribunal) Rules 2008.
2. The appellant applied for permission to appeal against a decision of Judge of the First-tier Tribunal Mill. The grounds submit, inter alia, that the decision was procedurally unfair because the judge refused to adjourn the hearing.
3. Permission was granted by the First-tier Tribunal.

4. In the respondent's Rule 24 response dated 24 August 2023, the respondent accepts that the judge materially erred by proceeding with the hearing when it was unfair to do so and that the decision should be set aside.
5. Given that the parties are in agreement that the decision should be set aside I have decided to make a decision on the papers setting aside the decision. Moreover, as the agreed error is that it was unfair to proceed with the hearing, I have decided, in accordance with para. 7.2(a) of the Practice Statement, to remit the appeal to the First-tier Tribunal to be made afresh.

Notice of Decision

The decision of the First-tier Tribunal is set aside and the appeal is remitted to the First-tier Tribunal to be heard afresh.

D. Sheridan
Upper Tribunal Judge Sheridan

Judge of the Upper Tribunal
Immigration and Asylum Chamber

25 August 2023