



**Upper Tribunal
(Immigration and Asylum Chamber)**

Appeal Number: HU/02543/2019

THE IMMIGRATION ACTS

**Heard at Birmingham
On 11 January 2022**

**Decision & Reasons
Promulgated
On 1 February 2022**

Before

DEPUTY UPPER TRIBUNAL JUDGE DAVEY

Between

**MR TADIWA DONELLE MADZONGWE
(ANONYMITY DIRECTION NOT MADE)**

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Miss A Imanovic, counsel instructed by Tann Law Solicitors
For the Respondent: Mr C Bates, Home Office Presenting Officer

DECISION AND REASONS

1. The Appellant, a national of Zimbabwe, date of birth 28 October 2000, appeals against the decision of First-tier Tribunal Judge Parkes, who on 12 January 2019 dismissed the Appellant's appeal seeking entry clearance as a minor.

2. Permission to appeal was granted by Deputy Upper Tribunal Judge Sheridan on 23 September 2021. At the hearing the Appellant, represented by Miss A Imanovic, counsel, relied upon the grounds on which permission was granted and Mr Bates for the Home Office indicated that there was no challenge to the asserted errors of law and in particular drew my attention to the fact that the important letter from the Appellant's uncle had been in the Appellant's bundle, had been referred to by the parties and therefore there was no basis for thinking that the condition of the papers was an explanation as to why the Judge did not refer to it. Accordingly, on the basis of the failure to address the evidence of the Appellant's uncle and the failure to take into account, or at least to explain why it was rejected if that was so, the medical evidence contained within the Appellant's bundle, I am satisfied that there is a clear error of law in an absence to give sufficient and proper reasons and in the circumstances, that error of law is established. The parties agree and I too agree with them that the only course in this case is unfortunately for the matter to have to be sent back to the First-tier Tribunal to be redetermined.

NOTICE OF DECISION

The appeal is allowed on the basis of the matter being redetermined in accordance with the law but not redetermined by First-tier Tribunal Judge I Parkes. For the avoidance of doubt, none of the findings of fact are preserved and the matter will be reheard de novo.

No anonymity direction is made.



Signed

Date 21 January 2022

Deputy Upper Tribunal Judge Davey

TO THE RESPONDENT

FEE AWARD

At this stage, no fee award is made and will be determined in the First-tier Tribunal.

A handwritten signature in black ink, appearing to read 'T. Davey', written in a cursive style.

Signed

Date 21 January 2022

Deputy Upper Tribunal Judge Davey