



IN THE UPPER TRIBUNAL
IMMIGRATION AND ASYLUM
CHAMBER

First-tier Tribunal No: PA/01539/2020

THE IMMIGRATION ACTS

**Decision & Reasons Issued:
On the 28 February 2023**

Before

UPPER TRIBUNAL JUDGE LANE

Between

**HCTD
(ANONYMITY ORDER MADE)**

Appellant

and

Secretary of State for the Home Department

Respondent

**Determined on the papers at Manchester Civil Justice Centre on 20 February
2023**

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. By a decision dated 12 December 2022, Deputy Upper Tribunal Judge Shepherd and I set aside the First-tier Tribunal decision and directed a resumed hearing in the Upper Tribunal. That hearing was listed before me sitting alone on 20 February 2023.

2. By email dated 16 February 2023, I received a consent order, signed by the representatives of both parties, in the following terms:

HAVING REGARD to the requirements of Rule 17 of the Tribunal Procedure (Upper Tribunal) Rules 2008;

UPON the Respondent having withdrawn her refusal decision dated 29th January 2020, against which this appeal is brought, with a view to granting the Appellant and her dependents Humanitarian Protection Status and 5 years' leave to remain in the United Kingdom,

AND UPON the Respondent agreeing that the Appellant's appeal be allowed under Humanitarian Protection to succeed in her appeal under s82(1)(a) of the 2002 Act.

BY CONSENT IT IS ORDERED THAT:

1. The SSHD is given permission to withdraw her case against the Appellant under Tribunal Procedure Rule 17(1)(a);
2. The Resumed Hearing currently listed for 20th February 2023 at the Civil Justice Centre, Manchester, be vacated.
3. The UT to issue a decision by consent on the papers allowing the Appellant's appeal solely under Humanitarian Protection.

Dated this 15th day of February 2023

3. On 20 February 2023, I received a further email from Mr Bates, Senior Presenting Officer, stating that the immigration decision against which the appellant had appealed had been withdrawn by the Secretary of State.
4. The circumstances are a little unusual. The withdrawal of the immigration decision before I remake the decision in the Upper Tribunal is potentially problematic (see, for example, *ZEI and others* (Decision withdrawn - FtT Rule 17 - considerations) Palestine [2017] UKUT 00292 (IAC)) but, given the unequivocal terms of the consent order, in particular at [3], I have decided to remake the decision allowing the appeal on humanitarian protection grounds. If that decision is ineffective in law, then it remains patently clear that the Secretary of State will grant humanitarian protection to the appellant in any event.

Notice of Decision

I have remade the decision. The appellant's appeal is allowed on humanitarian protection grounds.

C. N. Lane

Judge of the Upper Tribunal
Immigration and Asylum Chamber

Dated: 20 February 2023