



IN THE UPPER TRIBUNAL
IMMIGRATION AND ASYLUM CHAMBER

Appeal No: PA/10977/2019

THE IMMIGRATION ACTS

Decision & Reasons Issued:
On 29 September 2023

Before

UPPER TRIBUNAL JUDGE LANE

Between

SERGINE ABDU KHADRE NIANG
(NO ANONYMITY ORDER MADE)

Appellant

and

SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Ms Evans
For the Respondent: Mr McVeety, Senior Presenting Officer

Heard at Manchester Civil Justice Centre on 15 August 2023

DECISION AND REASONS

1. The appellant, a citizen of Senegal, was born on 5 November 1978. By a decision dated 29 October 2019, the Secretary of State refused the appellant's claim for asylum. The appellant appealed to the First-tier Tribunal which, in a decision promulgated on 22 September 2020, dismissed his appeal. The appellant appealed to the Upper Tribunal which dismissed his appeal by a decision promulgated on 16 March 2021. The appellant appealed that decision to the Court of Appeal. By a consent order dated 22 February 2022, the decision of the Upper Tribunal was set aside and the appeal remitted to the Upper Tribunal for a *de novo* determination.
2. At the initial hearing at Manchester on 15 August 2023, Mr McVeety, who appeared for the Secretary of State, told me that the appeal was not opposed. The Secretary of State acknowledged that the First-tier Tribunal had fallen into error for the reasons given in the Statement of Reasons provided to the Court of Appeal at [8].

3. I set aside the decision of the First-tier Tribunal. None of the findings of fact shall stand. There will need to be a new fact-finding exercise which is better conducted in the First-tier Tribunal to which the appeal is now returned for a hearing *de novo*.

Notice of Decision

The decision of the First-tier Tribunal is set aside. None of the findings of fact shall stand. The appeal is return to the First-tier Tribunal for that Tribunal to remake the decision following a hearing *de novo*.

C. N. Lane

Judge of the Upper Tribunal
Immigration and Asylum Chamber

Dated: 15 August 2023