



IN THE UPPER TRIBUNAL
IMMIGRATION AND ASYLUM CHAMBER

Case No: PA/03295/2017

THE IMMIGRATION ACTS

Decision & Reasons Issued:
On 2 July 2024

Before

UPPER TRIBUNAL JUDGE CANAVAN

Between

T M
(ANONYMITY ORDER 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 because the case involves a protection claim. 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 is made without a hearing and with the agreement of the parties.
2. Given the agreed position of the parties in the 'amended joint statement' dated 17 June 2024, it is not necessary to set out the long history of this appeal in any detail.
3. In short, the case involved an application made to the Upper Tribunal for permission to appeal a decision to dismiss a protection and human rights appeal made by First-tier Tribunal Khan as long ago as 22 March 2017. The case made a

circuitous journey via an application for permission to the Upper Tribunal, then an application for permission in a *Cart* judicial review, via the Court of Appeal. Following a grant of permission in the judicial review proceedings by Lord Justice Singh on 31 October 2018, the case began its way back down the chain of courts via the Administrative Court and finally to the Upper Tribunal, where the Vice-President, Mr Ockelton, granted permission to appeal on 18 April 2022. Aside from the obvious disruption caused by the pandemic, it is unclear why it has taken quite so long for the matter to be determined.

4. Further to directions made by the Vice-President on 24 January 2024 the parties have now come to an agreed position that the First-tier Tribunal decision involved the making of an error of law and should be remitted to the First-tier Tribunal for a fresh hearing.
5. Rule 40(3) of The Tribunal Procedure (Upper Tribunal) Rules 2008 states that the Upper Tribunal must provide reasons for the decision unless it was made with the consent of the parties. For this reason, it is not necessary to give any detailed reasons as to why the First-tier Tribunal decision is set aside. The reasons are apparent to both parties as contained in the 'amended joint statement' where it is agreed that the grounds of appeal disclose an error of law.
6. Both parties are in agreement that, not least because of the passage of time, it is appropriate to remit the case to the First-tier Tribunal for a fresh hearing. I agree. Case management and listing is a matter for the First-tier Tribunal, but I would suggest that, given the issues in this appeal, it might be advisable for the case to be heard by an experienced salaried judge or a panel of the First-tier Tribunal.
7. I conclude that the First-tier Tribunal decision involved the making of an error on a point of law. The decision is set aside and the appeal will be remitted to the First-tier Tribunal for a fresh hearing.

Notice of Decision

The First-tier Tribunal decision involved the making of an error on a point of law

The case is remitted to the First-tier Tribunal for a fresh hearing

M.Canavan
Judge of the Upper Tribunal
Immigration and Asylum Chamber

25 June 2024