



IN THE UPPER TRIBUNAL
IMMIGRATION AND ASYLUM CHAMBER

Case No: UI-2022-003539

First-tier Tribunal No: PA/01452/2021

THE IMMIGRATION ACTS

Decision & Reasons Issued:

16th January 2024

Before

UPPER TRIBUNAL JUDGE BLUNDELL

Between

LOOKMAN OLOWU

Appellant

and

SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Mr E Fripp of counsel, instructed by Duncan Lewis Solicitors
For the Respondent: Ms A Nolan, Senior Presenting Officer

Heard at Field House on 11 January 2024

DECISION AND REASONS

1. Rather unusually, this decision to remit Mr Lookman's appeal to the First-tier Tribunal follows a case management hearing which took place before me today.
2. My decision to set aside (in part) the decision of the First-tier Tribunal was issued as long ago as 4 July 2023 and I have been holding case management hearings since then in an attempt to progress towards a substantive remaking hearing in the Upper Tribunal. Progress has been slow due to difficulties with public funding and the instruction of experts but it seems from the helpful letter which was sent to the Upper Tribunal by the appellant's solicitors yesterday that matters are now in hand and that the final expert report is likely to be received by 2 February 2024.
3. However, matters have moved on since I decided in July 2023 that the matter should be retained in the Upper Tribunal for remaking. The appellant's relationship with his partner has rekindled and they have, as I understand it, resumed cohabitation as a family unit with their children. The appellant's partner has made an asylum claim. That claim was refused on 15 December 2023. There was a right of appeal and the appellant's partner has lodged an appeal, the

reference for which is PA/68332/2023. I am told by Ms Nolan that the appeal has been assigned to the Taylor House hearing centre.

4. It was in those circumstances that I was invited by both advocates to remit this appeal so that it can be listed with the appellant's partner's case. That makes a great deal of sense, given the similar issues which arise in the two cases. It would also be undesirable for the immigration status of the family not to be resolved in one hearing by a single judge. There is obviously no mechanism by which the appellant's partner's appeal could come straight to the Upper Tribunal so the only venue in which the two appeals can be considered together is the FtT.
5. I will therefore order that this appeal is remitted to the First-tier Tribunal for rehearing with the appellant's partner's appeal. In doing so, I note the following for the assistance of the FtT.
6. Firstly, this appellant and his partner are not currently represented by the same solicitors. I was told today that she is currently represented by David & Vine Solicitors but it seems that this is largely due to a miscommunication between her and Duncan Lewis Solicitors. She is likely to transfer her file to Duncan Lewis shortly.
7. Secondly, I issued directions following a previous CMR on 3 November 2023 which contain reference to an important concession which was made by the Secretary of State about the FtT's previous findings. It was accepted in writing in advance of that hearing that the findings made by Judge J A Simpson at [82]-[92] should all be preserved, and not merely those which I had preserved in my decision from July. I ordered accordingly in my directions and my decision from July 2023 must be read together with those directions.
8. Thirdly, given that Judge Simpson's decision was set aside in part, the advocates agree before me that the remitted appeal should be heard by a judge other than Judge Simpson.
9. Fourthly, given the various complexities in the two cases, not least of which is the remaining question mark over the partner's representation, the FtT might consider it appropriate to list the cases for CMR on a date after 15 February 2024, although that is obviously a matter for the Resident Judge at Taylor House. I will bring the case to his attention so that he is aware of the situation.

Notice of Decision

The decision of the FtT having been set aside, the appeal is remitted to the First-tier Tribunal for rehearing, although the findings made by the FtT at [82]-[92] are preserved.

M.J.Blundell

Judge of the Upper Tribunal
Immigration and Asylum Chamber

11 January 2024