

**IN THE UPPER TRIBUNAL
IMMIGRATION AND ASYLUM
CHAMBER**



Case No: UI-2023-005485

First-tier Tribunal No:
HU/59463/2022 LH/00501/2023

THE IMMIGRATION ACTS

**Decision & Reasons Issued:
On 9 September 2024**

Before

DEPUTY UPPER TRIBUNAL JUDGE PARKES

Between

**SB
(ANONYMITY DIRECTION MADE)**

Appellant

and

SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Mr H Broachwalla (Counsel, instructed by Victory Solicitors)

For the Respondent: Mr M Wain (Senior Home Office Presenting Officer)

Heard at Field House on 19th August 2024

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. The Appellant made a protection claim on the 28th of July 2022. That was refused by the Respondent, the Appellant appealed leading to the hearing before the First-tier Tribunal at Columbus House, Newport, on the 23rd of November 2023 before First-tier Tribunal Judge Richards-Clarke.

2. The appeal was dismissed for the reasons given in the decision promulgated on the same day. The Appellant sought permission to appeal to the Upper Tribunal in undated grounds. Permission was granted by First-tier Tribunal Judge Bibi on the 29th of December 2023, it being arguable that the Judge had failed to consider the expert report on the Appellant's country of origin.
3. The Respondent relied to the Appellant's grounds of appeal by notice of the 3rd of January 2024. In the Respondent's notice it was conceded that the Judge had erred in failing to adequately address the expert report and in the reasons given for rejecting the Appellant's claim. It was accepted that the appeal should be remitted to the First-tier Tribunal to be considered afresh.
4. It is not clear why this matter was not dealt with sooner on a summary basis but in any event it was listed for hearing before me on the 19th of August 2024 at Field House with both representatives appearing remotely. It was confirmed by Mr Wain that the Respondent's position is as set out in the notice of the 3rd of January 2024. Mr Broahwalla did not dissent from the proposed course of action.
5. On the basis that the Judge erred in failing materially to consider adequately the expert report and accordingly the findings made being unsustainable the decision of Judge Richards-Clarke is set aside. The appeal is remitted to the First-tier Tribunal for re-hearing de novo with no findings preserved. Not to be heard by Judge Richards-Clarke.

Notice of Decision

6. This appeal is allowed, the decision of Judge-Richards Clarke is set aside and remitted to the First-tier Tribunal for re-hearing.

Judge Parkes

Deputy Judge of the Upper Tribunal
Immigration and Asylum Chamber

Dated: 19th August 2024