



IN THE UPPER TRIBUNAL
IMMIGRATION AND ASYLUM CHAMBER

Case No: UI-2024-002917
First-tier Tribunal Nos:
PA/52398/2023
LP/00605/2024

THE IMMIGRATION ACTS

Decision & Reasons Issued:
On the 23rd September 2024

Before

UPPER TRIBUNAL JUDGE SHERIDAN

Between

HH
(ANONYMITY ORDER MADE)

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Mr A Khan, Counsel, instructed by Morden Solicitors LLP
For the Respondent: Ms A Nolan, Senior Home Office Presenting Officer

Heard at Field House on 6 September 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. This decision, which I give orally, will be brief because the parties are in agreement that the decision of the First-tier Tribunal (by JFTT Cohen) should be set aside and the case remitted to the First-tier Tribunal to be made afresh with no findings preserved.

2. The appellant is a citizen of Vietnam who claims to face a risk of persecution on account of her religious and political activity. Amongst other things, she claims to have been arrested and detained on several occasions. She adduced three summonses to corroborate her account.
3. As acknowledged in the respondent's Rule 24 response, the judge did not refer to the summonses. The Rule 24 response concedes this amounts to a legal error, stating at para. 5:

"This error infects the FTTJ's findings on previous risk and risk on return and constitutes a material error of law".
4. Ms Nolan maintained the position in the Rule 24 response. Both she and Mr Khan agreed that the case should be remitted to the First-tier Tribunal to be decided afresh.

Notice of Decision

5. As agreed by the parties, the decision of the First-tier Tribunal is set aside and the appeal is remitted to the First-tier Tribunal to be heard afresh by a different judge with no findings preserved.

D. Sheridan

Judge of the Upper Tribunal
Immigration and Asylum Chamber

17 September 2024