



Upper Tribunal
(Immigration and Asylum Chamber)

Appeal Number: PA/07217/2017

THE IMMIGRATION ACTS

No hearing
On 18 July 2018

Decision and Reasons Promulgated
On 25 July 2018

Before

MR C M G OCKELTON, VICE PRESIDENT

Between

**[A A]
(anonymity direction not made)**

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

DECISION AND REMITTAL

1. On 21 June 2018, I wrote to the parties as follows:

“Permission to appeal to this Tribunal has been granted in the following terms:

“The appellant’s grounds of appeal assert that the judge was unfair in not granting an adjournment to enable the appellant to obtain medical evidence to support his claim that he was tortured and that the judge further erred by refusing to accept this medical report as post hearing evidence. The appellant also asserts that the judge’s assessment of the appellant’s evidence was flawed as he took into account irrelevant evidence.

Taking into account the guidance given in Nwaigwe (adjournment: fairness) [2014] UKUT 00418 (IAC) it is arguable that there was an error of law in refusing

the adjournment request. The other grounds are arguable. Permission is granted.”

There has been no response under rule 24. I propose without more ado to set aside the decision of the First-tier Tribunal for error of law, and remit the appeal for re-determination by the First-tier Tribunal. Any submissions to the contrary will be considered if received within **14 days** of the date of this letter.”

2. There has been no response adverse or otherwise.
3. For the reasons given above I now set aside the decision of the First-tier Tribunal for error of law. I remit the appeal to the First-tier Tribunal for the re-determination by a different judge.

C. M. G. OCKELTON
VICE PRESIDENT OF THE UPPER TRIBUNAL
IMMIGRATION AND ASYLUM CHAMBER
Date: 18 July 2018.