



**Upper Tribunal  
(Immigration and Asylum Chamber)  
PA/07599/2017**

**Appeal Number:**

**THE IMMIGRATION ACTS**

**Heard at North Shields**

**On 20 March 2018**

**Decision & Reasons  
Promulgated  
On 01 May 2018**

**Before**

**DR H H STOREY  
JUDGE OF THE UPPER TRIBUNAL**

**Between**

**T A T  
(ANONYMITY DIRECTION MADE)**

Appellant

**and**

**THE SECRETARY OF STATE FOR THE HOME DEPARTMENT**

Respondent

**Representation:**

For the Appellant: Ms L Brakaj, Solicitor, Iris Law Firm (Gateshead)

For the Respondent: Ms M Diwnycz, Home Office Presenting Officer

**DECISION AND DIRECTIONS**

1. The appellant, a national of Vietnam, has permission to challenge the decision of Judge Hands of the First-tier Tribunal sent on 27 October 2017 dismissing her appeal on protection and human rights grounds.
2. The grounds contend that there was procedural unfairness in that the appellant did not receive a notice of the hearing held on 17 August 2017. I consider this ground is made out. The notice of pre-hearing review and hearing sent on 10 August 2017 gives an address for the appellant which on the evidence of the file record has never been her address. This notice was also sent to her then solicitors, Duncan Lewis, but the file shows that

they ceased being the appellant's solicitors on 21 August 2017. The present solicitors, Iris, did not come onto the record until 31 August 2017.

3. The judge's decision records a concern about whether the appellant had been sent notice of hearing to her correct address and of inquiries made by both the respondent and Tribunal administration but it is very difficult to follow from the anonymised way the judge puts matters what the checks revealed. The respondent's checks appear from what the judge says at paragraph 2, to reveal that notice had not been sent to the address the respondent held.
4. In such circumstances there is a very real possibility notice was not sent to the appellant's correct address and that the simultaneous notice sent to her solicitors was not acted on due to the previous solicitors coming off the record.
5. For the above reasons (and whether or not the judge had sight of the full information) there has been an error of process constituting a material error of law, necessitating that I set aside the judge's decision.
6. To conclude:

The decision of the FtT judge is set aside for material error of law.

The case is remitted to the FtT.

**Direction Regarding Anonymity - Rule 14 of the Tribunal Procedure (Upper Tribunal) Rules 2008**

Unless and until a Tribunal or court directs otherwise, the appellant is granted anonymity. No report of these proceedings shall directly or indirectly identify her or any member of her family. This direction applies both to the appellant and to the respondent. Failure to comply with this direction could lead to contempt of court proceedings.

Signed:

Date: 26 April 2018



Dr H H Storey  
Judge of the Upper Tribunal