



**Upper Tribunal  
(Immigration and Asylum Chamber)**

Appeal Numbers: HU/07277/2019  
HU/09477/2019  
HU/09735/2019

**THE IMMIGRATION ACTS**

**Heard at Field House  
On 27 January 2020**

**Decision & Reasons Promulgated  
On 28 January 2020**

**Before**

**UPPER TRIBUNAL JUDGE LANE**

**Between**

**[S N] and others  
(ANONYMITY DIRECTION NOT MADE)**

Appellant

**and**

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

Respondent

**Representation:**

For the Appellant: Mr Paramjorthy, instructed by Paramount Law

For the Respondent: Mr Whitwell, Senior Home Office Presenting Officer

**DECISION AND REASONS**

1. The appellant are citizens of India. The first and second appellants are the parents of the third appellant. The appellants appealed against a decision of the respondent dated 2 April 2019 refusing their application for settlement on the basis of long residence. The appellant's appealed to the First-tier Tribunal which, in a decision promulgated on 28 August 2019, dismissed the appeals. The appellants now appeal, with permission, to the Upper Tribunal.

2. At the hearing before the Upper Tribunal on 27 January 2020, both parties' representatives agreed that the decision of the First-tier Tribunal should be set aside. The appellants claim that they did not receive notice of the hearing before the First-tier Tribunal. It is clear that the appellants had sought an oral hearing of their appeals and that the appeals were only dealt with on the papers by the judge because no attendance before the Tribunal on 5 June 2019 had been recorded. I make no comment whatever regarding the merits of the judge's decision and it is clear that he made no error in determining the appeal on the papers on the basis of the information he had received. However, the appellants were entitled to be notified and have an opportunity to attend an oral hearing of their appeals; for some administrative reason or postal error, that opportunity has been denied to them.

### **Notice of Decision**

The decision of the First-tier Tribunal promulgated on 29 August 2019 is set aside. None of the findings of fact shall stand. The appeal is returned to the First-tier Tribunal for that Tribunal to remake the decision following a hearing *de novo*.

Signed

Date 27 January 2020

Upper Tribunal Judge Lane