



IAC-AH-SAR-V1

**Upper Tribunal  
(Immigration and Asylum Chamber)** Appeal Number: HU/13063/2019 (P)

**THE IMMIGRATION ACTS**

**Decided under Rule 34  
On 5 September 2020**

**Decision & Reasons Promulgated  
On 9 September 2020**

**Before**

**UPPER TRIBUNAL JUDGE LANE**

**Between**

**Brijeshkumar Vipinbhai Patel  
(ANONYMITY DIRECTION NOT MADE)**

Appellant

**and**

**SECRETARY OF STATE FOR THE HOME DEPARTMENT**

Respondent

**DECISION AND REASONS**

1. The appellant, a citizen of India, was born on 6 December 1977. He appealed to First-tier Tribunal against a decision of the Secretary of State dated 23 July 2019 refusing his human rights claim. The First-tier Tribunal, in a decision promulgated on 16 January 2020, dismissed the appeal. The appellant now appeals, with permission, to the Upper Tribunal.
2. The Upper Tribunal issued directions on 1 July 2020 indicating a provisional view that the matter of error of law may be determined without a hearing. The appellant has not responded to those directions but the Secretary of State, by a submission dated 8 July 2020, has stated her view that the First-tier Tribunal decision should be set aside and the appeal returned to the First-tier Tribunal for that Tribunal to remake the decision. The Secretary of State agrees with the appellant's grounds of appeal that

the judge failed to make findings of fact in respect of the evidence of one of the witnesses in the appeal.

3. In the circumstances, I set aside the decision of the First-tier Tribunal. I direct that the appeal be returned to the First-tier Tribunal (not Judge Anthony) for that Tribunal to remake the hearing at or following a hearing *de novo*. None of the findings of fact shall stand.

**Notice of Decision**

The decision of the First-tier Tribunal is set aside. None of the findings of fact shall stand. The decision will be remade by the First-tier Tribunal at or following a hearing *de novo*.

Signed  
Upper Tribunal Judge Lane

Date 5 September 2020