



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

Appeal Number: PA/07480/2019 (P)

**THE IMMIGRATION ACTS**

**Decision under Rule 34  
Without a hearing  
8<sup>th</sup> August 2020**

**Decision & Reasons Promulgated  
On 13 August 2020**

**Before**

**UPPER TRIBUNAL JUDGE COKER**

**Between**

**DHA  
(anonymity order made)**

Appellant

**And**

**SECRETARY OF STATE FOR THE HOME DEPARTMENT**

Respondent

**DETERMINATION AND REASONS (P)**

**Pursuant to Rule 14 of the Tribunal Procedure (Upper Tribunal) Rules 2008 (SI 2008/269) I make an anonymity order. Unless the Upper Tribunal or a Court directs otherwise, no report of these proceedings or any form of publication thereof shall directly or indirectly identify the appellant in this determination identified as DHA. This direction applies to, amongst others, all parties. Any failure to comply with this direction could give rise to contempt of court proceedings**

1. FtT Judge Boyes dismissed DHA's appeal against the refusal of his international protection and human rights claim for reasons set out in a decision

promulgated on 14<sup>th</sup> November 2019. Permission to appeal was granted by FtT judge Simpson on 27<sup>th</sup> January 2020. Directions for the further conduct of the appeal were sent and, in the circumstances surrounding COVID 19, provision was made for the question of whether there was an error of law and if so whether the decision of the FtT Judge should be set aside to be determined on the papers.

2. Both parties complied with the directions. The respondent (although she had not seen the grant of permission and thus referred to the grounds of appeal and the submissions by the appellant), conceded there were errors of law such that the decision of the FtT Judge should be set aside and the appeal remitted to the FtT for a hearing *de novo*. The appellant did not object to such a course of action.
3. Having reviewed the decision I am satisfied that the extent of the findings to be made and the evidence to be heard are such that the criteria for remittal to the FtT are met and appeal should be heard in the First tier Tribunal, no findings preserved.
4. I therefore set aside the decision and remit the appeal accordingly.

Conclusions:

The making of the decision of the First-tier Tribunal did involve the making of an error on a point of law.

I set aside the decision and remit the appeal to the FtT to be heard afresh.

Anonymity

The First-tier Tribunal made an order pursuant to rule 13 of the Tribunal Procedure (First-tier Tribunal) (Immigration and Asylum Chamber) Rules 2014.

I continue that order (pursuant to rule 14 of the Tribunal Procedure (Upper Tribunal) Rules 2008).

Jane Coker

Upper Tribunal Judge Coker

Date: 8 August 2020