



Upper Tribunal

(Immigration and Asylum Chamber)

Appeal Number: PA/11198/2019

THE IMMIGRATION ACTS

**At Field House, No hearing
On 15 April 2021**

**Decision & Reasons Promulgated
On 28 April 2021**

Before

MR C M G OCKELTON, VICE PRESIDENT

Between

JOSHEP [S]

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

DECISION AND REMITTAL

1. In granting permission to appeal to this Tribunal, a Judge of the First-tier Tribunal wrote as follows:

“3. In its decision, the Tribunal rejected the claim that the Appellant would be unable to communicate on return. Arguably, the panel failed to give adequate reasons for rejecting the expert evidence in that regard. It is also arguable that, having accepted that the Appellant was a member of the TGTE, that he had taken part in activities in the UK and had been photographed in the course thereof, the Tribunal erred in concluding that he would not be at risk on return.”
2. Having reviewed the file, and concluding that the grounds are clearly arguable, I wrote to the parties on 1 March 2021 proposing that the First-tier Tribunal’s decision be set aside in error of law without more ado and that the appeal be remitted for a fresh decision. The parties had 21 days to make submissions to the contrary.

3. Ms Isherwood, Senior Home Office Presenting Officer, has replied specifically raising no objection to the proposal. No reply has been received from the appellant's representatives.
4. I set aside the decision of the First-tier Tribunal sent out on 16 November 2020 for error of law as identified in the grant of permission. I remit the appeal to the First-tier Tribunal for decision afresh.

C.M.G. Ockelton

C. M. G. OCKELTON
VICE PRESIDENT OF THE UPPER TRIBUNAL
IMMIGRATION AND ASYLUM CHAMBER
Date: 15 April 2021