



**Upper Tribunal  
(Immigration and Asylum Chamber)      Appeal Number: HU/06844/2019**

**THE IMMIGRATION ACTS**

**Heard at Field House  
On the 22 June 2022**

**Decision & Reasons Promulgated  
On the 19 July 2022**

**Before**

**UPPER TRIBUNAL JUDGE BLUM**

**Between**

**SAYEED KHAN MOHAMMED  
(ANONYMITY DIRECTION NOT MADE)**

Appellant

**and**

**SECRETARY OF STATE FOR THE HOME DEPARTMENT**

Respondent

**Representation:**

For the Appellant: None (the appellant's counsel, Mr A Chohan, was unable to attend the hearing)

For the Respondent: Mr E Tufan, Senior Home Office Presenting Officer

**DECISION AND REASONS**

1. This decision is issued under the provisions of rule 40(3)(a) and (b) of the Tribunal Procedure (Upper Tribunal) Rules 2008. Both subparagraphs of rule 40(3) apply to this decision.
2. The decision of Judge of the First-tier Tribunal L K Gibbs, promulgated on 29 July 2019 is erroneous in law. This was conceded by the Presenting Officer at the 'error of law' hearing. The Judge acted in a procedurally unfair manner when refusing to adjourn the hearing for the reasons advanced in the grounds of appeal and in light of the

comments of Upper Tribunal Judge Grubb in granting permission to appeal.

3. The appeal is remitted the First-tier Tribunal to be determined *de novo* by a judge other than Judge L K Gibbs.

**Notice of Decision**

**The judge's decision contains a material error of law. The case is remitted back to the First-tier Tribunal, to be heard afresh by a judge other than Judge L K Gibbs.**

D.Blum

29 June 2022

Signed  
Upper Tribunal Judge Blum

Date