



IN THE UPPER TRIBUNAL
IMMIGRATION AND ASYLUM CHAMBER
Extempore decision

Case No: UI-2022-004012
First-tier Tribunal No:
HU/51931/2021
IA/06415/2021

THE IMMIGRATION ACTS

Decision & Reasons Issued:
On the 29 March 2023

Before

UPPER TRIBUNAL JUDGE SHERIDAN

Between

NT
(ANONYMITY ORDER MADE)

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Ms P Solanki, Counsel instructed by Duncan Lewis Solicitors
For the Respondent: Ms A Everett, Senior Home Office Presenting Officer

Heard at Field House on 30 January 2023

Order Regarding Anonymity

Pursuant to rule 14 of the Tribunal Procedure (Upper Tribunal) Rules 2008, the appellant is granted anonymity. No-one shall publish or reveal any information, including the name or address of the appellant, likely to lead members of the public to identify the appellant. Failure to comply with this order could amount to a contempt of court.

DECISION AND REASONS

1. This is an appeal against a decision of Judge of the First-tier Tribunal Cary promulgated on 6 July 2022.

2. I will only give very brief reasons because at the hearing Ms Everett conceded the appeal on behalf of the respondent. Ms Everett accepted the appellant's argument, as set out in ground 1, that the judge fell into error by proceeding on the basis that the appellant had not applied to be treated as a vulnerable witness when in fact she had done so. Ms Everett characterised this as procedural unfairness and expressed the view that the case should be remitted to the First-tier Tribunal to be heard afresh.
3. In the light of Ms Everett's concession, it was not necessary to hear from Ms Solanki.

Notice of Decision

4. The decision of the First-tier Tribunal is set aside.
5. The appeal is remitted to the First-tier Tribunal to be made afresh before any judge other than Judge of the First-tier Tribunal Cary or Judge of the First-tier Tribunal Bartlett.
6. No findings are preserved.

D. Sheridan

Judge of the Upper Tribunal
Immigration and Asylum Chamber

6.3.2023