



**IN THE UPPER TRIBUNAL**  
**IMMIGRATION AND ASYLUM CHAMBER**

**Case No: UI-2024-000145**  
**First-tier Tribunal No:**  
**EA/10024/2022**

**THE IMMIGRATION ACTS**

**Decision and Reasons issued:**  
**On the 25 June 2024**

**Before**

**UPPER TRIBUNAL JUDGE RIMINGTON**

**Between**

**Nadia Azizi**  
**(NO ANONYMITY ORDER MADE)**

Appellant

**and**

**Secretary of State for the Home Department**

Respondent

**DECISION AND DIRECTIONS**

1. In the light of the Rule 24 notice submitted by the Secretary of State on 12<sup>th</sup> June 2024 conceding that an error of law was made in the decision of First-tier Tribunal Judge Hussain dated 24<sup>th</sup> November 2023, and that the matter should be referred to the FtT, and in the light of the grounds of appeal and which indicated no requirement for a 'permission' hearing to be held, and in the light of Begum (Remaking or remittal) Bangladesh [2023] UKUT 46 (IAC), the decision of FtT is set aside owing to a material error of law in the FtT decision (procedural irregularity).
2. An email chain demonstrates that the appellant's representative notified the Tribunal at 13.55 on the day of the hearing (9<sup>th</sup> August 2023) that the link for a remote hearing was not working and an interpreter had been requested. A working link was sent at 14.34. An interpreter was secured by 14.50. The hearing (in a float list) was adjourned by the judge at 13.50.
3. The judge did not hear from the appellant's representative although they were present on the day of the hearing and the judge then issued a decision dismissing the appeal. That is a material error of law.

**Notice of Decision**

4. The Judge erred in law for the reasons identified, and, in a manner which could have a material effect on the outcome. I set aside the decision pursuant to Section 12(2)(a) of the Tribunals Courts and Enforcement Act 2007 (TCE 2007).
5. Bearing in mind the effect of the error has been to deprive a party before the First-tier Tribunal of a fair hearing or other opportunity for that party's case to be put and considered by the First-tier Tribunal, the matter should be remitted to the First-tier Tribunal under section 12(2) (b) (i) of the TCE 2007 and 7.2 (a) of the Presidential Practice Statement.

**Directions**

6. The matter should be remitted to the FtT (**Taylor House**) and listed for 2 hours (not before FtT Judge Hussain).
7. **The appeal hearing should NOT be listed in a float list.**
8. Any further evidence and skeleton arguments should be filed at least 14 days prior to the substantive hearing.
9. **A Dari (Afghanistan) interpreter should be requested.** If any change in the interpreter is required the language and dialect is to be confirmed at least 28 days prior to any hearing. If the appellant is giving evidence from outside the jurisdiction the appropriate requirements should be complied with.

Dated 17th June 2024

**Helen Rimington**  
Judge of the Upper Tribunal  
Immigration and Asylum Chamber