



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

Case No: UI-2024-000844  
First-tier Tribunal No: PA/54768/2021

**THE IMMIGRATION ACTS**

**Decision and Reasons Issued:**

**On 21<sup>st</sup> of May 2024**

**Before**

**DEPUTY UPPER TRIBUNAL JUDGE MALIK KC**

**Between**

**SO**  
**(ANONYMITY DIRECTION MADE)**

Appellant

**and**

**SECRETARY OF STATE**  
**FOR THE HOME DEPARTMENT**

Respondent

**Representation**

For the Appellant: Mr Alexis Slatter, Counsel, instructed Fisher Stone Solicitors

For the Respondent: Mr Edward Terrell, Senior Presenting Officer

**Heard at Field House on 19 April 2024**

**DECISION AND REASONS**

*Introduction*

1. This is an appeal by the Appellant from the decision of First-tier Tribunal Judge Abebrese promulgated on 14 January 2024. By that decision, the Judge dismissed the Appellant's appeal from the Secretary of State's decision to refuse his human rights claim.

*Discussion*

2. I am grateful to Mr Alexis Slatter, who appeared for the Appellant, and Mr Edward Terrell, who appeared for the Secretary of State, for their assistance and able submissions. It is common ground that the Judge's decision is wrong in law and should be set aside. Mr Terrell accepts that the Judge misapplied section 72 of the Nationality, Immigration and Asylum Act 2002, failed to address the language analysis report in a reasoned manner, adopted a flawed approach as to the country evidence and gave inadequate reasons for his findings. The concession is entirely fair and appropriate, and I agree with it. In the circumstances, with agreement of the parties, I set aside the Judge's decision and, having regard to paragraph 7.2 of the Senior President's Practice Statement for the Immigration and Asylum Chambers, and the extent of the fact-finding which is required, remit the appeal to the First-tier Tribunal to be heard afresh by a different judge.

*Decision*

3. The First-tier Tribunal's decision is set aside and the appeal is remitted to the First-tier Tribunal for a fresh hearing.

*Anonymity*

4. I consider that an anonymity order is justified in the circumstances of this case having regard to the Presidential Guidance Note No 2 of 2022, *Anonymity Orders and Hearing in Private*, and the Overriding Objective. I make an order under Rule 14(1) of the Tribunal Procedure (Upper Tribunal) Rules 2008. Accordingly, unless and until a Tribunal or court directs otherwise, the Appellant is granted anonymity. No report of these proceedings shall directly or indirectly identify him or any member of his family. This direction applies to both parties. Failure to comply with this direction could lead to contempt of court proceedings.

*Zane Malik KC*  
**Deputy Judge of Upper Tribunal  
Immigration and Asylum Chamber  
Date: 13 May 2024**