



IN THE UPPER TRIBUNAL
IMMIGRATION AND ASYLUM CHAMBER

Case No: UI-2024-001419
First-tier Tribunal Nos:
PA/54888/2021
IA/14805/2021

THE IMMIGRATION ACTS

Decision & Reasons Issued:
On the 06 June 2024

Before

UPPER TRIBUNAL JUDGE PERKINS

Between

F A
(ANONYMITY ORDER MADE)

Appellant

and

SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Determined at Field House without a hearing on 5 June 2024
Pursuant to rule 34 of the Tribunal Procedure (Upper Tribunal) Rules 2008

DECISION AND REASONS

1. This is an appeal against a decision of the First-tier Tribunal dismissing an appeal by the appellant against the decision of the Secretary of State refusing him international protection and leave to remain on human rights grounds.
2. Permission to appeal was granted by the First-tier Tribunal because it was arguable that the judge had not taken into account material considerations concerning the appellant's sexuality and perceived political opinion, and the judge had not given proper reasons for his findings and, generally, had not shown sufficient care.
3. In a Rule 24 Notice dated 10 April 2024 the respondent indicated that he did not oppose the appeal and invited the tribunal to remit the appeal to the First-tier Tribunal for rehearing.
4. I think that this will be the second time that the appeal has been remitted. Nevertheless the appellant's solicitors have indicated their consent to such a disposal. There is no sensible basis on which findings on controversial matters can be preserved. The appeal has to be re determined and the appellant is entitled to preserve all his appeal rights.

Notice of Decision

5. The First-tier Tribunal erred in law. I set aside this decision and direct the case be heard again in the First-tier Tribunal.

Jonathan Perkins

Judge of the Upper Tribunal
Immigration and Asylum Chamber

5 June 2024