



IN THE UPPER TRIBUNAL
IMMIGRATION AND ASYLUM CHAMBER

Case No: UI-2024-003935
First tier number: PA/56338/2023

THE IMMIGRATION ACTS

Decision & Reasons Issued:

On 5th of November 2024

Before

UPPER TRIBUNAL JUDGE LANE

Between

PSP
(ANONYMITY ORDER MADE)

Appellant

and

Secretary of State for the Home Department

Respondent

Determined without a hearing

DECISION AND REASONS

1. The appellant, a female citizen of Sri Lanka, appealed against a decision of the First-tier Tribunal dated 11 July 2024 dismissing her protection appeal on asylum, humanitarian protection grounds and human rights grounds.
2. *Inter alia*, the appellant appeals to the Upper Tribunal on the grounds that the First-tier Tribunal should have adjourned the hearing and, having failed to do so, perpetrated unfairness by not considering the appellant's evidence or hearing submissions from the appellant's representative.
3. Having refused the adjournment, the judge noted that, 'there was no evidence in support of the appeal, and counsel could offer no further submissions. I therefore dismiss the appeal.' It is apparent that there was written evidence in support of the appeal in the papers before the judge. It is claimed in the grounds of appeal that that the judge. The grounds are confusing; whilst the grounds state that the judge 'prevented the Appellant's Counsel from making any submissions in support of her

asylum appeal' which is at odds with what the judge states (see above) whilst it is also asserted that 'the Appellant does not accept that the outcome of her appeal being dismissed would have been the same if the Appellant's Counsel had made submissions on her behalf as there was prima facie corroborative medical evidence that the Appellant was a vulnerable adult witness and also that she had been tortured and sexually abused in Sri Lanka as alleged'' which begs the question whether Counsel had sought to make submissions.

4. Notwithstanding those observations, the Secretary of State in her Rule 24 reply writes as follows:

The respondent does not oppose the appellant's application for permission to appeal. It is submitted that the judge has erred by dismissing the appeal without hearing submissions from the representatives at the appeal hearing. The judge has not engaged with the evidence that was before the Tribunal in the hearing bundle and there has been a failure to give adequate reasons for the decision [12].

As there have been no findings of fact on the appellant's asylum and human rights claim it is submitted that the appeal should be remitted to the First-tier Tribunal for a fresh hearing.

5. In the circumstances, I am prepared to accept that the First-tier Tribunal did err in law by failing to make any assessment of the material before the Tribunal concerning the appellant's asylum and human rights appeal. I set aside the decision and direct that the appeal be returned to the First-tier Tribunal for that Tribunal to remake the decision following a hearing *de novo*.

Notice of Decision

The decision of the First-tier Tribunal is set aside. The decision will be remade following a hearing *de novo* in the First-tier Tribunal.

C. N. Lane

Judge of the Upper Tribunal
Immigration and Asylum Chamber

Dated: 30 October 2024