



**Upper Tribunal  
(Immigration and Asylum Chamber)**

Appeal Number: AA/04931/2013

**THE IMMIGRATION ACTS**

**No hearing  
8 October 2013**

**Promulgated on  
10 October 2013**

**Before**

**Mr C M G Ockelton, Vice President**

**Between**

**AHMED IBRAHIM**

Appellant

**and**

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

Respondent

**DECISION AND REMITTAL**

1. On 9 September 2013 I wrote to the parties as follows:-

“Permission to appeal to the Upper Tribunal has been granted in this case on the basis of an arguable want of procedural fairness in the conduct of the proceedings in the First-tier Tribunal. There was no appearance by the Appellant at the hearing. The Tribunal inspected a copy of the Notice of Hearing and concluded that it had been properly served. Whether or not that is technically correct, the Respondent has now confirmed that the Home Office had knowledge of a change of address; and for that reason the Respondent suggests remittal to the First-tier Tribunal.

In these circumstances I propose to set aside the decision of the First-tier Tribunal and remit the appeal to that Tribunal for the re-hearing before a different judge without more ado. Any proposal to the contrary will be considered if received **within 14 days** of the date of this letter”.

2. No reply has been received and I therefore act as foreshadowed. The First-tier Tribunal erred in law in proceeding in the absence of the appellant. Its decision is **set aside**. The appellant's appeal is remitted for decision by the First-tier Tribunal (constituted without Judge Powell).

TRIBUNAL

C M G OCKELTON  
VICE PRESIDENT OF THE UPPER  
IMMIGRATION AND ASYLUM CHAMBER  
Date: 8 October 2013