



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

Appeal Number: IA/43535/2014

**THE IMMIGRATION ACTS**

**Heard at Field House  
On 6 October 2015**

**Decision & Reasons Promulgated  
On 12 October 2015**

**Before**

**DEPUTY UPPER TRIBUNAL JUDGE SHERIDAN**

**Between**

**MUNIRA QAZI**

Appellant

**and**

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

Respondent

**Representation**

For the Appellant: Ms A. Jones, Counsel instructed by Farani Javid Taylor  
Solicitors

For the Respondent: Mr E. Tufan, Senior Home Office Presenting Officer

**DECISION AND REASONS**

1. The appellant is a citizen of Pakistan born on 9 November 1980. She is appealing against the decision of the First-tier Tribunal, promulgated on 29 April 2015, to dismiss her appeal against the respondent's decision to refuse her application for indefinite leave to remain on the basis of long residence in the United Kingdom.
2. On 21 April 2015, at Hatton Cross, First-tier Tribunal Judge R A Britton determined the appeal on the papers as neither party attended.

3. The grounds of appeal submit that the only reason the appellant did not attend the hearing is that she was given incorrect information about the date. It is submitted that she was sent a notice of hearing for 24 April 2015 and that she and counsel attended on that date only to discover the matter had been listed for and heard three days earlier. The argument is made in the grounds that the appellant has been deprived of her right to a fair hearing.
4. At the Upper Tribunal hearing, Ms Jones submitted that in consequence of an administrative error the appellant had experienced significant unfairness. Mr Tufan accepted that in the interests of justice the appeal should be heard again in the First-tier Tribunal.
5. It is clear that the only reason the appellant did not attend the hearing before Judge Britton was that she believed it was listed for a different day. She has provided evidence, in the form of an attendance note from her Counsel, that she attended on the wrong day and she has provided a copy of the notice of hearing listing the hearing for a different day to that on which she attended.
6. The appellant has, through no fault of her own, been prevented from giving evidence and making submissions such that there has been a deprivation of her right to a fair hearing. Accordingly, I find there has been an error of law such that the decision of the First-tier Tribunal shall be set aside and the appeal remitted to a differently constituted First-tier Tribunal to be heard afresh.

### **Decision**

7. The decision of the First-tier Tribunal contains a material error of law such that it should be set aside in its entirety and the appeal heard afresh.
8. The appeal is remitted to the First-tier Tribunal for hearing afresh before a judge other than First tier Tribunal Judge R A Britton.
9. No anonymity order is made.

Signed



Deputy Upper Tribunal Judge Sheridan

Dated: 9 October 2015