



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

Appeal Number: AA/07482/2015

**THE IMMIGRATION ACTS**

**Heard at Field House  
On 13 October 2017**

**Decision and Reasons  
Promulgated  
On 7 November 2017**

**Before**

**DEPUTY JUDGE OF THE UPPER TRIBUNAL CHANA**

**Between**

**[A P]  
(ANONYMITY DIRECTION NOT MADE)**

Appellant

**and**

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

Respondent

**Representation:**

For the appellant: Ms B Poynor, Solicitor

For the respondent: Mr P Duffy, Senior Office presenting Officer

**DECISION AND REASONS**

1. The appellant, a citizen of Vietnam born on [ ] 1990 appealed against the decision of the respondent, refusing to grant him asylum and humanitarian protection in the United Kingdom. First-tier Tribunal Judge, MCall dismissed the appellant's appeal in a decision dated 28 August 2015.

2. Permission to appeal was granted by First-tier Tribunal Judge Brunnen on 18 August 2017, stating that it is arguable that there has been procedural unfairness by the Judge deciding his appeal in his absence as the appellant was unaware of the hearing date.
3. At the hearing it was agreed by both parties that there had been a procedural unfairness and therefore a material error of law.
4. The appellant lodged his appeal on 30 April 2015 by his then representatives Thomson & Co but claims that on 2 May 2015 he was re-trafficked within the United Kingdom. As a result, he claims that he was not residing at his Home Office NASS accommodation. He further claims that this was the address where the notice of hearing was sent, which the appellant did not receive. The appellant was not aware of the hearing date or that the hearing notice had been submitted to his previous representatives, Thomson & Co Solicitors.
5. The permission Judge stated that the appellant will need to address and provide evidence on the basis on which his permission to appeal application has been made. I direct that the appellant provide evidence to demonstrate that he did not receive the hearing notice at the re-hearing of his appeal.
6. In the circumstances, I direct that the appeal be placed before any First-tier Tribunal Judge apart from First-tier Tribunal Judge McCall for hearing the appeal de novo.

This 5<sup>th</sup> day of November 2017

Signed by

A Deputy Judge of the Upper Tribunal

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Mrs S Chana