



Upper Tribunal
(Immigration and Asylum Chamber)

Appeal Number: HU/12419/2016

THE IMMIGRATION ACTS

Heard at Field House
On 11th May 2018
Oral Decision

Decision & Reasons Promulgated
On 30th May 2018

Before

DEPUTY UPPER TRIBUNAL JUDGE ZUCKER

Between

MR FLORION BUKOSHI
(ANONYMITY DIRECTION NOT MADE)

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Ms C Robinson, Counsel instructed by Goldman Bailey Solicitors
For the Respondent: Mr Jarvis, Home Office Presenting Officer

DECISION AND REASONS

1. The Appellant is a Kosovar whose date of birth is recorded as 28th November 1989. He appealed a decision of the Secretary of State dated 26th April 2016 refusing him leave to remain in the United Kingdom. On 3rd October 2017 the matter came before Judge of the First-tier Tribunal Ross who, notwithstanding the medical issues which he clearly appreciated, having regard to paragraph 6 of the decision and reference to the medical conditions of which the Appellant was suffering, made mention of in the refusal letter, proceeded with the hearing and dismissed the appeal.

2. Not content with that Decision, by Notice dated 8th December 2017 the Appellant made application for permission to appeal to the Upper Tribunal at which on or about 27th February 2018 was granted by Judge Hollingworth, thus the matter comes before me.
3. It is not necessary for me to deal with this matter at any length because the Secretary of State quite properly accepts that this matter should not have proceeded in the First-tier on that occasion. The judge had failed to have regard, or sufficient regard, to Guidance No 2 of 2010 which is the Joint Presidential Guidance dealing with vulnerable adults.
4. By consent there is a material error of law in this case (which, for the avoidance of doubt I entirely agree with). This matter will be remitted to be heard de novo at Taylor House. Further directions will be given in this matter by the Resident Judge at Taylor House, and if it becomes necessary for an application to be made for a litigation friend, which I understand is not necessary at the moment because the Appellant does have capacity to give instructions, then application should be made to the Resident Judge, Resident Judge Campbell at Taylor House, who will then deal with the matter.
5. No anonymity direction is made.

Notice of Decision

6. The appeal to the Upper Tribunal is allowed. The matter is remitted to Taylor House to be heard de novo.

Signed

Date: 25 May 2018



Deputy Upper Tribunal Judge Zucker