



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

Appeal Number: PA/06383/2018

THE IMMIGRATION ACTS

**Heard at Field House
On 25 November 2019**

**Decision & Reasons Promulgated
On 27 November 2019**

Before

**UPPER TRIBUNAL JUDGE KOPIECZEK
UPPER TRIBUNAL JUDGE PICKUP**

Between

**O H
(ANONYMITY DIRECTION MADE)**

Appellant

and

SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: No appearance and not represented

For the Respondent: Ms A. Everett, Senior Home Office Presenting Officer

**DECISION PURSUANT TO RULE 40(3)(a) OF THE TRIBUNAL PROCEDURE
(UPPER TRIBUNAL) RULES 2008**

1. The appellant, a citizen of the Palestinian Authority, appealed to the First-tier Tribunal (“FtT”) against a decision dated 4 May 2018 to refuse a protection and human rights claim. The FtT dismissed the appellant’s appeal.
2. In directions sent on 19 November 2019, the parties were provided with a copy of a draft decision in the terms that appear below. We directed that if

either party objected to the terms of the draft decision, any such objection must be notified to the Upper Tribunal and to the other party no later than 2.00 pm on Wednesday 20 November 2019.

3. We further directed that in default of compliance with the above direction the Upper Tribunal would be likely to promulgate a decision in the terms of the draft decision without further reference to the parties.
4. Prior to the hearing on 25 November 2019 neither party expressed any dissent from the course we proposed. At the hearing, Ms Everett said that she agreed with it. As far as we are aware, there has been no communication by or on behalf of the appellant on the matter.
5. Thus, it is agreed between the parties that the grounds of appeal in relation to the FtT's decision reveal that it erred in law by proceeding to hear and determine the appeal in the appellant's absence.
6. It is also agreed between the parties that the error of law is such as to require the decision of the FtT to be set aside and for the appeal to be remitted to the FtT for a hearing *de novo*.
7. In the circumstances, we set aside the decision of the FtT for error of law and remit the appeal to the FtT for a hearing *de novo*, on all grounds, before a judge other than First-tier Tribunal Judge Greasley, with no findings of fact preserved.
8. In remitting the appeal we have had regard to paragraph 7.2 of the Practice Statement of the Senior President of Tribunals.
9. Pursuant to rule 40(3)(a) of the Tribunal Procedure (Upper Tribunal) Rules 2008, no reasons (or further reasons) are required, the decision being made with the consent of the parties.

Direction Regarding Anonymity - Rule 14 of the Tribunal Procedure (Upper Tribunal) Rules 2008

Unless and until a Tribunal or court directs otherwise, the appellant is granted anonymity. No report of these proceedings shall directly or indirectly identify him or any member of his family. This direction applies both to the appellant and to the respondent. Failure to comply with this direction could lead to contempt of court proceedings.

Upper Tribunal Judge Kopieczek

dated 25/11/19