



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

Appeal Number: PA/03058/2018

THE IMMIGRATION ACTS

Heard at the Royal Courts of Justice

**Decision & Reasons
Promulgated**

On 11 November 2019

On 19 February 2020

Before

UPPER TRIBUNAL JUDGE PERKINS

Between

ABEDOULA [W]

Appellant

and

SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Mr M Spencer Counsel instructed by Huneewoth Solicitors

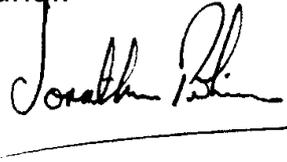
For the Respondent: Mr S Kotas, Senior Home Office Presenting Officer

DECISION AND REASONS

1. It is alleged that the First-tier Tribunal made a procedural error amounting to an error of law because it proceeded with the hearing in the absence of the appellant on 20 August 2019, not realising that he could not attend because he was in custody and had not been brought.
2. At the hearing before me there were several matters that supported that claim but no evidence directly on the point. I decided that it was of such importance that the appellant should be given a chance to remedy the deficiency and I gave directions.

3. In compliance with those directions the appellant's solicitors sent a "Release Date Notification Slip" showing that the appellant was expected to be released on 23 August 2019 and Mr Kotas sent a note confirming that the respondent's records showed that the appellant was in custody on 20 August 2019.
4. I thank both parties for complying with directions.
5. The appellant clearly was in custody. There clearly was a procedural error amounting to an error of law.
6. I set aside the decision of the First-tier Tribunal and I direct that the appeal be heard again in the First-tier Tribunal.

Signed
Jonathan Perkins
Judge of the Upper Tribunal

A handwritten signature in black ink, appearing to read 'Jonathan Perkins', written over a horizontal line.

Dated 13 February 2020