



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

Appeal Number: PA/10185/2017

THE IMMIGRATION ACTS

**Heard at Field House
On 15 November 2021**

**Decision & Reasons Promulgated
On 26 November 2021**

Before

**UPPER TRIBUNAL JUDGE BLUM
DEPUTY UPPER TRIBUNAL JUDGE BENJAMIN KEITH**

Between

AZIZ [K]

Appellant

and

SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Not represented or in attendance.

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

DECISION AND REASONS

1. The Appellant appeal against the decision of First Tier Tribunal (“FTT”) Judge Paul promulgated on 19 April 2021. Permission to appeal was granted by FTT Judge Andrew on 2 June 2021.
2. The Appellant did not attend the hearing. No legal representatives were present. On the court file was a record of the notice of hearing being served on the Appellant and his solicitors by email and post. No

response had been sent by the Appellant or Solicitors. We decided that it was in the interests of justice to proceed with the error of law hearing as we considered that the Appellant and his solicitors had been properly informed of the date and place of the hearing.

3. For the Secretary of State for the Home Department, Ms Everett submitted that the decision of the First Tier Tribunal judge was unclear and deficient.
4. In our judgement the decision of the First Tier Tribunal is not properly reasoned. It is not possible to discern the reasons why the judge rejected the evidence of the supporting witnesses. In addition, the finding that the Appellant was not a homosexual/transvestite based on their dress at the hearing via video-link as compared to two photos where the Appellant was not wearing women's clothing is inadequate and not properly reasoned.
5. That is not to say that the Appellant has a strong case but the Appellant is entitled to proper and reasoned consideration of the case and its merits.
6. **There is an error of law and the case will be remitted to the First Tier Tribunal for a rehearing. No findings from the lower court are preserved.**

Signed.....
Deputy Upper Tribunal Judge B. Keith

Dated 22 November 2021