



**IN THE UPPER TRIBUNAL**  
**IMMIGRATION AND ASYLUM CHAMBER**

**Case No: UI-2022-005283**  
**First-tier Tribunal Nos:**  
**PA/51825/2020**  
**IA/02095/2020**

**THE IMMIGRATION ACTS**

**Decision & Reasons Issued:**  
**On the 17 April 2023**

**Before**

**UPPER TRIBUNAL JUDGE PERKINS**

**Between**

**JA**  
**(ANONYMITY ORDER MADE)**

Appellant

**and**

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

Respondent

**Representation:**

For the Appellant: Mr N O'Brien, Counsel, instructed by Saj Law Chambers  
For the Respondent: Mr E Tufan, Senior Home Office Presenting Officer

**Heard at Field House on 6 March 2023**

**Order Regarding Anonymity**

**Pursuant to rule 14 of the Tribunal Procedure (Upper Tribunal) Rules 2008, the appellant is granted anonymity.**

**No-one shall publish or reveal any information, including the name or address of the appellant, likely to lead members of the public to identify the appellant. Failure to comply with this order could amount to a contempt of court.**

**DECISION AND REASONS**

(extempore)

1. This is an appeal against a decision of the First-tier Tribunal which was made as a result of a procedural error. Neither the appellant nor his representatives appeared before the First-tier Tribunal but it is now reasonably plain that they did not attend because they did not receive the CVD link that would have enabled them to attend remotely.

2. Enquiries have indicated that there is no proof that the necessary link was sent and it is the appellant's case that he did not receive any notice.
3. In the circumstances Mr Tufan accepts that the decision cannot be sustained and both parties agree that the proper remedy here is for the case to be remitted to the First-tier Tribunal to be heard again because there has simply been no proper hearing at all.
4. It is rather regrettable that it was not possible to resolve this appeal before today but that situation is not made any better by doing anything other than the decision that I have taken.

**Notice of Decision**

5. The First-tier Tribunal erred in law by reason of a procedural error. I set aside the First-tier Tribunal's decision and, with the agreement of the parties, direct that the appeal be heard again in the First-tier Tribunal to be heard as soon as possible.

**Jonathan Perkins**

Judge of the Upper Tribunal  
Immigration and Asylum Chamber

**31 March 2023**