



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

Case No: UI-2022-006226  
UI-2022-006227  
UI-2022-006228  
UI-2022-006229

First-tier Tribunal Nos:  
HU/57159/2021- LH/00389/2022  
HU/57165/2021- LH/00393/2022  
HU/57161/2021- LH/00392/2022  
HU/57163/ 2021- LH/00390/2022

**THE IMMIGRATION ACTS**

Decision & Reasons Issued:  
On the 08 June 2023

Before

UPPER TRIBUNAL JUDGE RINTOUL

Between

RANGINA QADRI  
NAZOO QADRI  
MURTAZA QADRI  
ZOHIBULLAH QADRI  
(NO ANONYMITY ORDER MADE)

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

**Representation:**

For the Appellant: Mr Ellis Wilford, instructed by Lawrence & Co Solicitors  
For the Respondent: Mr D Clarke, Senior Home Office Presenting Officer

Heard at Field House on 7 June 2023

**DECISION MADE PURSUANT TO RULES 34, 39 & 40 (3) OF THE**  
**TRIBUNAL PROCEDURE (UPPER TRIBUNAL) RULES 2008**

1. The appellants appeal with permission against the decision of the First-tier Tribunal promulgated on 11 October 2022.

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**HU/57161/2021**

**HU/57163/ 2021**

2. In the light of the submissions by both parties, and the effective agreement by the respondent that the judge erred in failing properly to apply the test of fairness to the application to adjourn, the decision of the First-tier Tribunal involved the making of an error of law for the reasons set out in grounds 1 and 2.
3. As the hearing was unfair, it follows that none of the findings of fact can be preserved, the appeal will have to be heard again and accordingly it is appropriate to remit it to the First-tier Tribunal.
4. Rule 40 (1) of the Tribunal Procedure (Upper Tribunal) Rules 2008 provided that the Upper Tribunal may give a decision orally at a hearing which I did. Rule 40 (3) provides that the Upper Tribunal must provide written reasons for its decision with a decision notice unless the parties have consented to the Upper Tribunal not giving written reasons. I am satisfied that the parties have given such consent at the hearing.

### **Notice of Decision**

1. The decision of the First-tier Tribunal involved the making of an error of law and is set aside.
2. I remit the appeal to the First-tier Tribunal for a fresh hearing on all issues.

Signed

Date:

7 June 2023

Jeremy K H Rintoul  
Judge of the Upper Tribunal  
Immigration and Asylum Chamber