



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

Case No: UI-2023-001841

First-tier Tribunal No: PA/53160/2022

**THE IMMIGRATION ACTS**

**Decision & Reasons Issued:  
On 31 August 2023**

**Before**

**UPPER TRIBUNAL JUDGE CANAVAN**

**Between**

**M A**

Appellant

**and**

**SECRETARY OF STATE FOR THE HOME DEPARTMENT**

Respondent

**(ANONYMITY ORDER MADE)**

**Order Regarding Anonymity**

**Pursuant to rule 14 of the Tribunal Procedure (Upper Tribunal) Rules 2008, the appellant is granted anonymity because the case involves a protection claim. 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.**

**DIRECTIONS**  
**AND**  
**DECISION AND REASONS**

1. The appellant appealed the respondent's decision dated 08 August 2022 to refuse a protection and human rights claim following further submissions.
2. First-tier Tribunal Judge Chana ('the judge') dismissed the appeal in a decision sent on 20 April 2023.
3. First-tier Tribunal Judge Mulready granted permission to appeal to the Upper Tribunal identifying a series of arguable errors indicating that anxious scrutiny was not given to the decision. It was also arguable that the judge failed to make findings in relation to material issues.

4. The respondent's rule 24 response states that she does not oppose the appeal. The respondent agrees that there are 'considerable errors of law' in the decision and invites the Upper Tribunal to remit the case for a fresh hearing in the First-tier Tribunal.
5. Having considered the First-tier Tribunal decision, the grounds of appeal, and the rule 24 response I agree with the parties that the decision involved the making of errors of law and should be set aside. It is not necessary to give detailed reasons when the parties agree. The errors are so fundamental that there is no choice but to remit for a fresh hearing in the First-tier Tribunal.
6. In the circumstances, it would not be an effective use of court time for the hearing currently listed in the Upper Tribunal on Wednesday 05 July 2023 to go ahead if the appeal can be determined without a hearing under rule 34 of The Tribunal Procedure (Upper Tribunal) Rules 2008.

### **DIRECTION**

7. **If a party objects to the proposed course of action** they must file and serve written submissions to the Upper Tribunal by Tuesday 04 July 2023 at 12.00hrs at the latest.
8. **If there is an objection** the hearing on 05 July 2023 will proceed.
9. **If there is no objection** to the decision being made without a hearing by that time, this error of law decision will come into effect.
10. **If there is no objection** to the decision being made without a hearing by that time, the hearing listed on 05 July 2023 will be vacated and the case will be remitted to the First-tier Tribunal for a fresh hearing.

### **Notice of Decision**

The First-tier Tribunal decision involved the making of an error of law, subject to the directions given above

**M.Canavan**  
Judge of the Upper Tribunal  
Immigration and Asylum Chamber

29 June 2023