



IN THE UPPER TRIBUNAL
IMMIGRATION AND ASYLUM CHAMBER

Case No: UI-2023-
003787

First-tier Tribunal Nos: HU/56298/2022

THE IMMIGRATION ACTS

Decision & Reasons Issued:

9th November 2023

Before

DEPUTY UPPER TRIBUNAL JUDGE HARIA

Between

RJ (Bangladesh)
(ANONYMITY ORDER MADE)

Appellant

and

The Secretary of State for the Home Department

Respondent

Representation:

For the Appellant: Mr R Spurling of Counsel , instructed City Heights Solicitors
For the Respondent: Mr E Tufan, Senior Home Office Presenting Officer

Heard at Field House on 30 October 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

1. The appellant is a Bangladeshi national born on 18 November 1990. She appeals against the decision of First-tier Tribunal Judge Aldridge (“the Judge”) dated 7 August 2023 dismissing her appeal against the respondent’s decisions of 4 January 2021 and 31 August 2022 to refuse her protection and human rights claims.
2. Permission was granted by First-tier Tribunal Judge Mills on 6 September 2023.
3. The grounds for permission contend that the Judge has erred in the following three ways:
 - (a) Through providing inadequate reasoning for rejecting the appellant’s explanation for delay in claiming asylum, with reference to Section 8 of the 2004 Act;
 - (b) Through providing inadequate reasons for rejecting the secondary strand of the protection claim, a risk from uncles and in particular, by failing to make any reference to independent corroboration of this aspect of the account;
 - (c) Through a misdirection in law in relation to finding that the appellant did not enjoy family life with her sister, with whom she has lived for more than a decade and also a failure to adequately consider the best interests of the sister’s children.
4. Permission was specifically granted in relation to the second and third grounds. The first ground was considered by Judge Mills to be of less merit.
5. There is a rule 24 response from the Secretary of State, which does not oppose the appellant’s application for permission and invites the Tribunal to remit a fresh de novo to the First-tier Tribunal. The respondent resists the first ground, but agrees that the second ground has some force due to Judge’s lack of reference to independent evidence and in relation to the third ground, the respondent agrees that the Judge failed to deal adequately with the Article 8 assessment.
6. Both Mr Spurling and Mr Tufan maintained their respective positions. Mr Tufan conceded there was a material error of law in the decision as set out in the rule 24 response. I am satisfied that the second and third grounds disclose material errors of law and in those circumstances I find that Mr Tufan has properly conceded.
7. As to disposal, Mr Spurling submits that it is appropriate in accordance with the case of Begum [2023] UKUT 46 (IAC) and AEB v Secretary of State for the Home Department [2022] EWCA Civ 1512 for this appeal to be remitted to the First-tier Tribunal. Mr Tufan, although initially suggested that he was neutral on a position, was reminded that the rule 24 response invites a remittal. I find the nature and extent of any necessary fact finding, requires the matter to be remitted to the First-tier Tribunal. Accordingly I remit this appeal for a de novo hearing to the First-tier Tribunal by any judge other than Judge Aldridge. There are no preserved findings of fact.

N Haria

Deputy Judge of the Upper Tribunal

Immigration and Asylum Chamber

1 November 2023