



IN THE UPPER TRIBUNAL
IMMIGRATION AND ASYLUM CHAMBER

Case No: UI-2023-004616

First-tier Tribunal No:
EU/51263/2023

THE IMMIGRATION ACTS

Decision & Reasons Issued:

10th January 2024

Before

UPPER TRIBUNAL JUDGE LANE

Between

ANETA RAHLOVA NOVAKOVA

(NO ANONYMITY ORDER MADE)

and

Secretary of State for the Home Department

Appellant

Respondent

Representation:

For the Appellant: In person
For the Respondent: Mr Parvar, Senior Presenting Officer

Heard at Field House on 2 January 2024

DECISION AND REASONS

1. The appellant appeals against a decision of the First-tier Tribunal dismissing her appeal against a decision of the Secretary of State dated 20 February 2023 to refuse her application for settled/pre-settled status under the EU Settlement Scheme.
2. At the initial hearing at Field House on 2 January 2024, Mr Parvar, who appeared for the Secretary of State, told me that the appeal was not opposed. The respondent accepts that, whilst the appellant, a litigant in person, was directed to respond to the refusal of her application, she was not clearly directed to upload additional evidence in support of her case. As a consequence of that irregularity, the appellant did not have a fair hearing of her appeal.

3. In the circumstances, I set aside the decision of the First-tier Tribunal. I indicated to the appellant that the next hearing will be at Taylor House, London, one of the hearing centres of the First-tier Tribunal and that she make every effort to attend and, prior to doing so, she should ensure that the First-tier Tribunal and the respondent receives any documentary evidence upon which she seeks to rely.

Notice of Decision

The decision of the First-tier Tribunal is set aside. None of the findings of fact shall stand. The appeal is returned to the First-tier Tribunal for that Tribunal to remake the decision after an oral hearing on a date to be fixed.

(HEARING DIRECTIONS: First available date at Taylor House; face to face; not Judge Herlihy; 1.5 hours)

C. N. Lane

Judge of the Upper Tribunal
Immigration and Asylum Chamber

Dated: 2 January 2024