

IN THE UPPER TRIBUNAL IMMIGRATION AND ASYLUM CHAMBER

Case No: UI-2024-001299

First-tier Tribunal No: [PA/00530/2021]

THE IMMIGRATION ACTS

Decision & Reasons Issued:

On 9th of July 2024

Before

UPPER TRIBUNAL JUDGE KOPIECZEK

Between

A.R.
(ANONYMITY ORDER MADE)

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Ms C. Bayati, Counsel instructed by Cale Solicitors For the Respondent: Mr S. McKenzie, Senior Home Office Presenting Officer

Heard at Field House on 22 May 2024

Order Regarding Anonymity

Pursuant to rule 14 of the Tribunal Procedure (Upper Tribunal) Rules 2008, the appellant is granted anonymity, because this is a protection appeal.

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

Introduction

- 1. The appellant is a citizen of Jamaica, born in January 1993. He appealed to the First-tier Tribunal ("FtT") against the respondent's decision dated 20 October 2020 to refuse his protection and human rights claim, that claim having been made in the context of a decision to make a deportation order.
- 2. Although a memorandum of conviction is not in the documentary evidence before me, the deportation order appears to have resulted from the appellant's conviction for offences of manslaughter, possession of a firearm with intent to endanger life and possession of a prohibited weapon, for which he was sentenced on 9 July 2012 to a term of 20 years' imprisonment.
- 3. His appeal came before First-tier Tribunal Judge Scott-Baker on 9 January 2024. In a decision promulgated on 13 January 2024 she dismissed the human rights appeal in terms of Articles 3 and 8 of the ECHR. There was no appeal on asylum and humanitarian protection grounds.
- 4. I have taken the further background in relation to the appellant's offending from Judge Scott-Baker's decision. She said that the appellant had been found guilty of the manslaughter to Daniel Famakinwa, having been found not guilty of his murder. He had been part of a five-man group that attacked and shot the victim on 6 August 2011. He was also found guilty of possession of a firearm with intent to endanger life and possession of a prohibited firearm, both committed on three September 2011 in London.
- 5. In the sentencing in remarks, the sentencing judge said that all members of the group had been responsible for the death, even if Mr Charles-Stirling bore the primary responsibility.
- 6. The OASys report dated 17 March 2015 referred to the appellant as having been part of the group who attacked and shot the victim outside a nightclub in South London, in an unprovoked attack on the victim and his friends. One of the group, Mr Charles-Stirling, took a gun from his trousers and shot the victim, fatally injuring him. The appellant played an active role in the confrontation and was seen on CCTV delivering a flying kick to one of the victim's friends. The appellant knew that Mr Charles-Stirling was in possession of a gun and that it was likely to cause a serious injury. The victim was not known to the group and the only precursor to the attack was that Mr Famakinwa's group were from outside Norwood.

7. On the occasion of the next offence, the appellant had been seen by several witnesses, including a police officer, to fire a handgun at a group of young men outside a club. A brief altercation followed between the appellant and his friends and a group of unknown men. Moments before the shooting the appellant was seen to retrieve a small bag that apparently held a gun. After the firing the appellant ran off but was followed and arrested, and the discarded bag and gun were found close to the scene. Ballistics tests revealed that the gun was the same one that had killed Mr Famakinwa.

- 8. Again from the OASYs report Judge Scott-Baker noted that the appellant had no previous conviction or cautions, and it appeared that he was not part of an established gang or intelligence that he regularly used weapons or had been involved in other serious violence. He had shown some remorse towards Mr Famakinwa but presented as immature and lacking in insight into the seriousness of his actions. The appellant had said that he suffered from ADHD, that he could become aggressive at times and that he found it hard to concentrate.
- 9. The further background to the appeal is best illustrated with reference to the grounds of appeal upon which permission to appeal was granted by a judge of the FtT, and which I now summarise.

The grounds of appeal

- 10. The grounds of appeal are not numbered but I have taken the subheadings to represent the number of grounds, being three in total. I have added detail to some elements of the grounds with reference to Judge Scott-Baker's decision in the interests of clarity.
- 11. The grounds confirm that the appeal before the FtT was on Articles 3 and 8 ECHR grounds only, there being no Refugee Convention reason. Judge Scott-Baker had concluded that the appellant's account and that of his aunt, Mrs RS, was not credible in terms of there being a family member in Jamaica who would target the appellant on his return. I should say that the appellant's aunt's name could equally be abbreviated to MS, which more clearly helps to identify her evidence from the appellant's bundle.
- 12. The grounds also refer to Judge Scott-Baker having concluded that there was no family life between the appellant and his partner, noting that she had not been named, and that there was no evidence of her pregnancy.
- 13. Although she accepted that the appellant was socially and culturally integrated in the UK, he had not spent most of his life lawfully in the UK, and she found that there were no very compelling circumstances rendering deportation disproportionate.
- 14. Ground 1 is headed "Protection claim-risks from family member". It is argued that the judge's conclusion that it was not credible that there is a family member in Jamaica who will target him on return, is based upon an

error of fact. The appellant claims to be at risk of serious harm at the hands of a distant relative who it is claimed killed his father in 2011, and another distant family member soon afterwards. His claim is that his father was killed shortly after returning to Jamaica from Curaçao, and the distant family member was killed shortly after he returned to Jamaica from Grand Cayman. This is based upon information provided to the appellant by Mrs RS, reflected in her evidence that was before Judge Scott-Baker.

- 15. It is contended that Judge Scott-Baker erred in fact in stating at para 112 that it was unlikely that if the murder of the appellant's father, which was not in dispute, was a revenge killing, the distant relative (Tony Ricketts) would have waited six years to do this. At para 120 the judge stated that at the time of the appellant's father's death he had been in Jamaica six years and much could have happened for him to have been targeted. In fact, the evidence was that the appellant's father had not stayed in Jamaica but had moved to Curaçao and that it was soon after his return that he was murdered. It is argued that this was clearly material to the overall credibility assessment as the judge had referred to this issue twice and had gone on to speculate about the reasons for the murder at para 120.
- 16. Furthermore, the evidence from Mrs RS was that she had reported the murder of her brother, the appellant's father, to the police in Jamaica. She had contacted them by phone and sought updates on the investigations but had been informed but there were no updates. Mrs RS speculated that they may not be actively investigating, as she and the family were not in Jamaica to push the police. The judge had noted that there was no evidence from the police in Jamaica regarding the investigation. Her view was that this evidence could have been obtained by the family or their expert Dr de Noronha, who she noted knows people in the police force in Jamaica.
- 17. However, it is argued that Dr de Noronha had only provided a general expert report, available online, which was not prepared specifically for this appellant, nor was he instructed to prepare a report. It is also argued under this ground that the family could not reasonably be expected to be able to obtain documentary evidence from the police in Jamaica, particularly given the police's lack of interest in pursuing the investigation despite regular contact with them.
- 18. It is next argued that the judge was wrong at para 118 to require the appellant to provide evidence to establish that Tony Ricketts, his father's claimed killer, was still alive or still living in Jamaica. The question arises as to how the appellant could be expected to prove that the person is still alive and living in Jamaica.
- 19. The grounds also argue that the judge's finding at para 119 that there was no evidence of any threats to the family in the UK or in Jamaica since 2011, fails to take into account that there is also no evidence that any

family members have returned to Jamaica since that time. It has never been the appellant's case that the family had been threatened in the UK.

- 20. Ground 2 is headed "Risk to the [Appellant] as a deportee". The main point argued in this ground is in relation to the judge's conclusion that the appellant has family members in Jamaica, or at least friends, such that he would not be at risk on return. It is asserted that the judge's conclusion on this issue was irrational and based upon speculation.
- 21. In support of this ground it is asserted that the evidence of the appellant and all of his family (in terms of their letters) is that he has no family in Jamaica, or no family that he knows of or with whom he has any connection. This was not a matter that was subject to any challenge by the respondent as was said in submissions at the hearing. However, at para 123 Judge Scott-Baker stated that Uncle Rupert had returned in 2010 and that it was likely that he was returning to family. She had also said that there was no evidence in relation to the appellant's family in Jamaica but the death certificate in relation to her death in the USA showed that the informant was another son, Demaro, with an address in Jamaica. The judge had suggested that the person, Heather, who informed the appellant's aunt of his mother's death in the USA could speak to Demaro and explain that the appellant would be returning to Jamaica.
- 22. The grounds argue that the whole of para 123 is based upon speculation. It is said that the judge could have raised all of these matters at the hearing but instead ignored the evidence that there is no family in Jamaica. Given that there was no dispute about the evidence on this issue, it could not be said that the appellant had notice of the matters of concern to the judge in this respect.
- 23. In addition, it is asserted that there was no evidence that the appellant's Uncle Rupert has family in Jamaica. The appellant's and his aunt's position was that the appellant had no contact with any of his mother's family, and that for some years the appellant had believed that his mother was his aunt. The evidence was that it was only following information received by his aunt that his mother was in hospital in the USA dying that there was contact for the first time since the appellant was aged two years.
- 24. It is argued that it was speculation for the judge to conclude that there was contact between Heather in the USA and the son who was resident in Jamaica at the time of the death of the appellant's mother. It also assumes that the relationship between Heather and Demaro was such that there would be contact over a year after the death of the appellant's mother. That contrasts with the evidence that Heather did not have direct contact with Demaro at any point. It is argued that the evidence is that it was Heather's cousin who worked in the hospital where the appellant's mother was being cared for who contacted Heather, who in turn contacted the appellant's aunt. Lastly, there is also an assumption that Demaro would be

happy to support the appellant despite neither the appellant nor Demaro having had any connection or contact previously.

- 25. Ground 2 next argues that the judge was wrong to conclude that it was speculation for the expert Dr de Noronha to say that employers in Jamaica require a clean record. At page 11 of his report he states that employers require a police check and the vast majority of employers will not hire someone with anything on their record. His report also made it clear that the Jamaican government keep a record of offences committed whilst abroad which can preclude deported persons from obtaining employment.
- 26. Ground 3 is headed "Article 8-very compelling circumstances". This ground also relies on what are said to be material errors of fact in relation to Article 8.
- 27. At para 150 Judge Scott-Baker said that the appellant introduced a new matter (expressed as an "additional matter" in the judge's decision), namely that he has a partner who was 12 weeks pregnant. Judge Scott-Baker stated that her name was not disclosed and there was no evidence that she was pregnant. However, prior to the hearing the FtT had been sent the appellant's additional witness statement which named his partner AB, and the appellant adopted that witness statement in his oral evidence. The judge was also informed that the appellant's solicitors had served the witness statement and separately served medical evidence of her pregnancy. The medical evidence was in the form of a report from King's hospital naming the appellant's partner and confirming her pregnancy.
- 28. It is also argued that in assessing very compelling circumstances and proportionality the judge had failed to take into account that although the appellant was not granted indefinite leave to remain ("ILR") until 2010, which was 10 years after his arrival, throughout those 10 years he was a minor and, therefore, could not be held accountable for his lack of status, as would be the case if he had been an adult.
- 29. In addition, it is contended that the judge erred in concluding that family life had not been established between the appellant and his aunt. The judge had failed to have regard to the witness statements of the appellant and his aunt on this issue and had also failed to take into account that the appellant is wholly financially dependant on his aunt, being a matter that is relevant to the assessment of dependency. The errors of law in terms of the other grounds are also relevant to the judge's Article 8 conclusions, it is argued.

Submissions

- 30. I summarise the parties' oral submissions but will not necessarily refer to submissions that repeat the detail in the grounds.
- 31. Ms Bayati relied on the written grounds of appeal. As regards ground 1, she submitted that there was no dispute but that the appellant's father

was murdered. However, at para 120 the judge had engaged in speculation as to the reasons for his killing. Furthermore, Ms Bayati submitted that Judge Scott-Baker had misdirected herself in requiring corroborative evidence from the police on the matter in circumstances where none was reasonably likely to be available. All contact with the police had been by phone and it was unlikely that the police would provide any supporting evidence.

- 32. As regards the judge's suggestion that there was no evidence that there had been any threats to the family in Jamaica or in the UK, the appellant's case is that there is no family in Jamaica would who be the subject of any threats. He had never suggested that threats had been made in the UK.
- 33. In relation to ground 2, although the judge did not accept that the appellant had no family in Jamaica, at para 102 the submission was that there was no challenge to the appellant's case that he had no family in Jamaica. It was submitted that the judge had speculated that Uncle Rupert had returned to family in 2010.
- 34. As regards ground 3, I invited Ms Bayati to explain how it is said that the evidence of his partner, AB's, pregnancy could advance the appellant's appeal in circumstances where there was no witness statement from AB. Ms Bayati submitted that this was part of the appellant's private life but accepted that the evidence in this respect could not support a family life argument given that the child is not yet born. Ms Bayati accepted that if this was the only matter relied on the appellant would be in some difficulty in relation to this ground. However, it was submitted that in relation to very compelling circumstances all matters must be taken into account.
- 35. Furthermore, Ms Bayati suggested that the errors identified are relevant on a cumulative basis, including that the appellant would not have any control as a minor over the grant of ILR.
- 36. In relation to family life with his aunt, it was submitted that Judge Scott-Baker had only considered emotional but not financial dependence.
- 37. In his submissions, Mr McKenzie referred to various parts of the judge's decision in support of the contention that she had taken all the facts into account. He submitted with reference to paras 41 and 42 and the time that the appellant had spent in Jamaica that the judge was entitled to conclude that if the appellant's father had been killed in revenge, the perpetrator would not have waited six years to do so.
- 38. In response to my pointing out that the appellant's case is that his father was in Curaçao so would not have been at risk in Jamaica in that time, Mr McKenzie submitted that at paras 45-46 the judge had taken that evidence into account. Mr McKenzie maintained the contention that the judge had been entitled to come to the conclusion that she did on this issue.

39. As regards the lack of supporting evidence from the police in Jamaica, Mr McKenzie submitted that it was speculation to suggest that the police would not provide evidence, and the judge's decision does not say that the family have said that the police would not provide evidence.

- 40. There was no speculation on the part of Judge Scott-Baker as to there being family in Jamaica, it was submitted. At pars 55-56 she had taken the appellant's evidence on this issue into account, it was argued. The way that the evidence was given did suggest that there were family members in Jamaica and there was no speculation on the judge's part, it was submitted.
- 41. As regards ground 3, it was submitted that at para 172 the judge had said that there was insufficient evidence to find that the appellant was in a relationship, indicating that she did take into account the evidence in relation to AB. Mr McKenzie accepted, however, that the appellant had provided an additional witness statement in relation to AB and that her medical records had been provided.
- 42. In response to my pointing out that the judge had said at para 127 that the name of the appellant's claimed partner at least, had not been given, and no evidence provided that she exists, Mr McKenzie repeated his reliance on para 172 of the judge's decision.
- 43. In reply, Ms Bayati in essence repeated aspects of her earlier submissions. She clarified that the point about whether there were family members in Jamaica was in terms of access to accommodation, and some degree of protection, as indicated in Dr de Noronha's report.

Assessment and Conclusions

- 44. I should also say at the outset that Judge Scott-Baker's decision reveals considerable industry, with very detailed consideration having been given to the evidence and to the basis of the appellant's claim, which in many ways is not altogether factually straightforward.
- 45. A judge's decision need not refer to every aspect of the evidence and that a decision must be considered in the context of the decision overall. Minor errors of fact, or a misunderstanding of the evidence on an insignificant matter, would not be enough to establish an error of law.
- 46. I am, nevertheless, satisfied that the grounds of appeal establish that Judge Scott-Baker erred in law in significant respects such as to require her decision to be set aside. It is not necessary to deal with every point advanced in the grounds.
- 47. The Article 3 claim is, in essence, advanced on two bases, fear of the person or persons who are said to have killed his father and a cousin, and risk as a deportee. In relation to the former, and ground 1, the judge referred more than once to a period of six years before the attack on the

appellant's father which resulted in his death. However, it was the appellant's case that his father was in Curaçao rather than Jamaica and that it was shortly after his return from Curaçao that he was killed. This is a small, but nevertheless significant aspect of the evidence and I am satisfied that Judge Scott-Baker erred in failing to take it into account.

- 48. On its own I would not have considered problematic what the judge said at para 120 about other possible reasons for the killing of the appellant's father, namely his father's own criminality. However, that conclusion is built on a misapprehension of, or failure to take into account, the evidence of his absence from Jamaica in the period of years during which the judge considered that he could have been targeted.
- 49. As regards the judge's adverse credibility finding in terms of a lack of supporting evidence from the police in Jamaica in relation to the investigation into the appellant's father's death, a judge is entitled to take into account a failure to provide supporting evidence where such evidence can reasonably be provided. However, the evidence of the appellant's aunt Mrs RS in her witness statement, recorded at para 50 of the judge's decision, was that she had been in contact with the police station in Jamaica but had not been able to get any information from them. Her oral evidence, in particular at para 57 of the judge's decision, was that she had not been in Jamaica to push any investigation along.
- 50. Perhaps more importantly, it is clear that the judge misapprehended the context of the expert report of Dr de Noronha. There was no basis for the conclusion at para 116 of her decision that he could have obtained evidence from the police on the basis that he was "their expert" who in his report states that he knows people in the police force. At para 136, in the context of finding a lack of risk as a deportee, the judge had at that point acknowledged that "The expert report before me was general in nature and had not been produced specifically for the appellant and Dr de Noronha had not met the appellant nor had read any of the documents in this appeal."
- 51. It is clear from the report itself that it was not a report specific to the appellant and was an on-line report provided by Dr de Noronha for general use. There was no basis, therefore, for the conclusion that he could have provided any evidence in relation to the specifics of the appellant's case in terms of the police investigation.
- 52. It was not suggested on behalf of the respondent that it would have been possible for the expert to have been specifically instructed on behalf of the appellant to obtain information from the police in Jamaica on behalf of the appellant. That is quite apart from the fact that neither before the FtT nor before me was there any information in relation to whether funding would have been made available to instruct him or whether he would have been available to provide any such specific report.

53. In the light of the matters I have considered above, I am satisfied that ground 1 is made out.

- 54. As regards ground 2, the unchallenged evidence was that the appellant had no family in Jamaica, or none that he knew or had contact with. The judge was entitled to make up her own mind as to whether that evidence was credible. However, as was pointed out on behalf of the appellant, it is clear from para 102 that a specific submission was made that there was no challenge to the appellant's case on that matter. In the judge's record of the submissions made on behalf of the respondent there is no indication that any issue was raised in terms of the evidence of the absence of family in Jamaica who could assist the appellant. Indeed, the respondent's submissions relied on *AM* (Somalia) v Secretary of State for the Home Department [2019] EWCA Civ 774, in particular at para 73, in terms of the relevance of a lack of family in the country of return.
- 55. I consider that there is merit in the contention that if the judge had concerns about the unchallenged evidence on this issue, this should have been raised at the hearing.
- 56. As to the suggestion that the judge had speculated at para 123 that 'Uncle Rupert' had returned to family in 2010, I agree. The judge did not refer to any evidence in support of the view that it was likely that he had returned to family members, and on behalf of the respondent I was not directed to any evidence on the point.
- 57. Similar considerations arise in terms of the judge's conclusions in relation to Heather in the USA and Demaro in Jamaica. I am similarly satisfied that those conclusions were speculative, and are matters that ought to have been raised at the hearing, noting again that the appellant's case of a lack of contact with known family in Jamaica was not challenged.
- 58. Although not raised by either party before me, I note that at para 124 the judge said that "In any event the family in the UK is extensive and they will have contacts in Jamaica...it would be expected that any family and family friends in Jamaica would be called upon for help." However, in the absence of the matter of connections with family in the UK having been explored at the hearing, and the matter not being so obvious that it did not need to be canvassed, I am not satisfied that the judge was entitled to find against the appellant on this issue.
- 59. At para 139 the judge said that whilst Dr de Noronha referred to employers in Jamaica requiring a clean criminal record and that it was likely that their records would be listed, she was of the view that this was based upon speculation rather than fact. She declined to find that "without more" the appellant's criminal record would be known to the police authorities in Jamaica.
- 60. However, at para 54 of his report Dr de Noronha states clearly that employers require a police check and that employers will not hire anyone

without a clean record. He states that the Jamaican government keeps a record of offences committed abroad and that this can preclude deported persons from finding employment. The report goes on to state that in the last four years (the report is dated July 2021) most people who have been deported for criminal convictions are unable to secure a clean police check, especially those convicted of drugs and sexual offences, and that for those with a criminal history it is likely that their records will be listed and they will be unable to secure a clean police certificate to secure employment.

- 61. Whilst I cannot see from the report that any sources are cited specifically for what is said at para 54, this is not the basis upon which the judge rejected this aspect of the report. It is also not apparent that the expertise of Dr de Noronha was challenged. It is not evident why the judge found that this aspect of Dr de Noronha's report was based upon speculation when the report is actually very clear on this issue.
- 62. In the circumstances, I am satisfied on the basis of the matters I have considered above that ground 2 is made out.
- 63. In relation to ground 3, it is to be remembered that in the assessment of very compelling circumstances all relevant matters are to be taken into account. The grounds contend, and I agree, that the errors of law identified in ground 2 are relevant to the assessment of very compelling circumstances. On this basis alone I am satisfied that ground 3 must also succeed.
- 64. In relation to the three specific matters advanced in relation to ground 3, it is clear that the judge was wrong to find at para 150 that the name of the person said to be the appellant's partner was not disclosed, and that there was no evidence that she was pregnant. Her name is given in the appellant's additional witness statement which was before the FtT. Her medical records showing the pregnancy were also in the appellant's bundle. That this evidence was before the judge was accepted in submissions on behalf of the respondent before me.
- 65. Whilst the judge may have been entitled to conclude that without any written or oral evidence from her, little weight could be attached to the contention that the appellant is her partner, such a conclusion would have to be based on a correct appreciation of the evidence.
- 66. Whilst I accept that the judge ought to have taken into account that the appellant was a minor for 10 years until he was granted ILR, it is nevertheless a fact that he was unlawfully in the UK for a number of years, fault or not. The 'little weight' provisions under s.117B of the Nationality, Immigration and Asylum Act 2002 obviously have the force of primary legislation. Even if the judge did err in law in this respect, this is not a matter that of itself would have led me to conclude that this was an error of law requiring the decision to be set aside.

67. As regards the contention that the judge erred in her assessment of family life between the appellant and his aunt Mrs RS, I accept that the judge was required to take into account financial as well as emotional dependency. However, financial dependency without emotional dependency would not be sufficient to establish family life between adults. The judge noted at para 165 that the appellant relies on his aunt and "is far from leading an independent life" but she also noted at para 172 that he is now aged 31.

- 68. I am not satisfied that the judge's failure to take into account the evidence of the appellant's financial dependency on his aunt constitutes an error of law on the basis of the evidence before her.
- 69. Nevertheless, for the other reasons I have identified above in relation to all three of the grounds of appeal, I am satisfied that the judge erred in law such as to require her decision to be set aside in its entirety.
- 70. I make an additional observation which is not part of the *ratio* of my decision. Although not mentioned in the appeal before me by either party, I note that at paras 175 and 176 the judge referred to "society's revulsion" as a feature of the public interest in cases of serious offending. However, in *Hesham Ali (Iraq) v Secretary of State for the Home Department* [2016] UKSC 60, Lord Kerr at para 168 disapproved of this as an element to be taken into account in the public interest, and Lord Wilson at para 70 disavowed his own use of this expression in *OH (Serbia) v Secretary of State for the Home Department* [2008] EWCA Civ 694.
- 71. I have considered paragraph 7.2 of the Senior President's Practice Direction in relation to whether the appropriate course is for the appeal to be remitted to the FtT or retained in the Upper Tribunal for the decision to be re-made.
- 72. Ms Bayati expressed what I may describe as the tentative the view that, notwithstanding that the appeal had been remitted once before, it should again be remitted to the FtT for a fresh hearing, although accepted that I may take a different view.
- 73. Having given the matter careful consideration, I am of the view that the appropriate course is for the appeal to be remitted to the FtT for a fresh hearing. Notwithstanding that the appeal has been remitted once before, the nature and extent of the fact-finding required makes it appropriate to remit the appeal.
- 74. It is necessary for me to state that although I have found that there was no error of law in the assessment of family life between the appellant and his aunt, Mrs RS, I do not consider it appropriate for her finding in relation to family life to be a preserved finding. That aspect of the appeal, as with all others, will depend on the evidence put before the FtT.

Decision

75. The decision of the First-tier Tribunal involved the making of an error on a point of law. Its decision is set aside and the appeal is remitted to the First-tier Tribunal for a hearing *de novo* with no findings of fact preserved, to be heard by a judge or a panel of judges other than First-tier Tribunal Judges Scott-Baker or Manyarara.

76. Although it is appropriate to leave the listing arrangements to the Firsttier Tribunal, it may be that the appeal ought to be heard by a panel of judges, and that an appropriate time estimate is one day.

> A.M. Kopieczek Judge of the Upper Tribunal Immigration and Asylum Chamber

> > 6/07/2024