



IN THE UPPER TRIBUNAL
IMMIGRATION AND ASYLUM CHAMBER

Case No: UI-2024-004074

First-tier Tribunal No:
PA/00539/2023

THE IMMIGRATION ACTS

Decision & Reasons Issued:

22nd January 2025

Before

UPPER TRIBUNAL JUDGE RUDDICK

Between

MS
(ANONYMITY DIRECTION MADE)

Appellant

and

SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Decision made without a hearing

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 appeals with permission against the decision of First-tier Tribunal Judge CL Taylor dismissing his appeal against the respondent's refusal of his protection and human rights claim.

2. The appellant appeals on the grounds that he did not receive notice of the hearing before the First-tier Tribunal and it was therefore procedurally unfair for the appeal to have been heard in his absence.
3. The appellant was granted anonymity before the First-tier Tribunal because he has made a claim for international protection and I see no reason to vary that order.
4. On 17 September 2024, I granted the appellant permission to appeal after considering the evidence submitted by the appellant. This included the notices issued by the First-tier Tribunal and written confirmation from the British Red Cross that at the relevant time they were permitting the appellant to use their email and postal address for correspondence but had not received any notice of the hearing addressed either to themselves or to the appellant. I also took into account that in deciding to proceed in the appellant's absence, the Judge had mistakenly believed (due to what appears to be an administrative error by someone else) that the Red Cross were acting as the appellant's legal representatives, when they were not.
5. In the decision granting permission, I informed the parties that I was minded to find that the grounds were made out, set aside the decision without a hearing in accordance with rule 34(1) of the Tribunal Procedure (Upper Tribunal Rules) 2008, and remit the appeal to the First-tier Tribunal for a de novo hearing before a judge other than First-tier Tribunal Judge Taylor
6. I issued the following directions:
 1. Within 14 days of the receipt of this Notice, both parties are directed to file on the Tribunal and serve on the other party in writing:
 - a) confirmation as to whether they consent to the above course of action.
 - b) their views in accordance with Rule 34(2) of the Rules as to whether the application for permission can be determined without a hearing in accordance Rule 34(1) of the Rules.
 - c) confirmation of whether they consent to the decision being made without providing written reasons in accordance with Rule 40(3)(b) of the Rules.
 - d) any party opposed to this disposal is directed to inform the Tribunal in writing (giving reasons), not later than 14 days after the issue of these directions. If there is no response, the Tribunal will take that as deemed consent to the disposal set out above.
7. The decision and directions were sent to both parties on 1 October 2024.

8. On 28 October 2024, the appellant's McKenzie Friend wrote to the Tribunal, confirming that the appellant consented to the appeal being disposed of as outlined above, and that she had served the letter on the respondent.
9. There has been no response from the respondent.
10. In accordance with the directions issued 1 October 2024, the decision of First-tier Tribunal Judge CL Taylor is therefore set aside.

Notice of Decision

The decision of First-tier Tribunal Judge CL Taylor is set aside without a hearing in accordance with rule 34(1) of the Tribunal Procedure (Upper Tribunal Rules) 2008. The appeal is remitted to the First-tier Tribunal to be dealt with afresh pursuant to section 12(2)(b)(i) of the Tribunals, Courts and Enforcement Act 2007 and Practice Statement 7.2(b), before any judge aside from Judge CL Taylor.

E. Ruddick

Judge of the Upper Tribunal
Immigration and Asylum Chamber

17 January 2025