



**Upper Tribunal
(Immigration and Asylum Chamber)**

Appeal Number: PA/01980/2017

THE IMMIGRATION ACTS

**Heard at Field House
On 20 November 2017**

**Decision & Reasons
Promulgated
On 30 November 2017**

Before

UPPER TRIBUNAL JUDGE McWILLIAM

Between

**YH
(ANONYMITY DIRECTION MADE)**

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Mr J Fraczyk, Counsel instructed by Leonard Cannings Solicitors

For the Respondent: Mr C Avery, Home Office Presenting Officer

Direction Regarding Anonymity - Rule 14 of the Tribunal Procedure (Upper Tribunal) Rules 2008

Unless and until a Tribunal or court directs otherwise, the Appellant is granted anonymity. No report of these proceedings shall directly or indirectly identify him or any member of his family. This direction applies both to the Appellant and to the Respondent. Failure to comply with this direction could lead to contempt of court proceedings.

DECISION AND REASONS

1. The Appellant is a citizen of Afghanistan and his date of birth is 15 January 1999. His application for asylum was refused by the Secretary of State on 8 February 2017. The Appellant appealed and his appeal was dismissed by Judge of the First-tier Tribunal Pears in a decision that was promulgated on 3 April 2017, following a hearing on 23 March 2017. The Appellant did not attend the hearing and he was not represented. Permission was granted to the Appellant by Judge of the First-tier Tribunal Grant-Hutchinson on 27 September 2017.
2. The judge concluded that a notice was sent to the Appellant and there was no explanation for his non-attendance and decided to proceed in his absence. The Appellant, when he was interviewed in respect of his asylum claim in January 2017, indicated that he had moved to [Bournemouth]. The Appellant is a minor and was moved by the local authority. A notice of hearing was sent to the Appellant on 23 February 2017 to the previous address. The solicitors were not on record at the time the notice was issued and were not notified of the hearing date.
3. The Appellant was not aware of the hearing having not received the notice of the hearing. There has been a procedural irregularity giving rise to unfairness. Applying the guidance in FP (Iran) [2007] EWCA Civ 13, the decision of the First-tier Tribunal is set aside. Because of the nature of the error, the matter is remitted to the First-tier Tribunal for a rehearing.

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Signed Joanna McWilliam

Date 27.11.17

Upper Tribunal Judge McWilliam