



Upper Tribunal
(Immigration and Asylum Chamber)

Appeal number: PA / 00609 / 2020

THE IMMIGRATION ACTS

Decision & Reasons Promulgated
On 16th December 2020

Before

Upper Tribunal Judge Gill

Between

Mrs G K
(Anonymity Order made)

Appellant

And

The Secretary of State for the Home Department

Respondent

Anonymity

I make an order under r.14(1) of the Tribunal Procedure (Upper Tribunal) Rules 2008 prohibiting the disclosure or publication of any matter likely to lead members of the public to identify the original appellant. No report of these proceedings shall directly or indirectly identify her. This direction applies to both the appellant and to the respondent and all other persons. Failure to comply with this direction could lead to contempt of court proceedings.

I make this order because this is a protection claim.

The parties at liberty to apply to discharge this order, with reasons.

DECISION TO SET ASIDE

The respondent's attention is drawn to paras 7 and 8 below.

1. By my decision granting permission signed on 10 September 2020 and sent to the parties under cover of a notice (IA102) dated 28 September 2020, the Upper

Tribunal notified the parties of its proposal to set aside the decision of Judge of the First-tier Tribunal S. Aziz and remit the appeal to the First-tier Tribunal for a Judge of that Tribunal other than Judge Aziz to re-make the decision on the appellant's appeal. The reasons for the proposal were set out in the decision granting permission.

2. In my decision granting permission, the parties were informed that the Upper Tribunal will proceed to issue a decision to give effect to its proposal unless the parties objected, with reasons, by 4 pm on the 14th calendar day after the date of the Tribunal's notice.
3. To date, no response has been received from the appellant or from the respondent.
4. In all of the circumstances and for the reasons given in the decision granting permission to appeal, I am satisfied that the decision of Judge Aziz involved the making of an error on a point of law such that the decision to dismiss the appeal falls to be set aside. I set it aside the decision of Judge Aziz in its entirety.
5. For the reasons given in the decision granting permission, para 7.2 of the Practice Directions applies. This appeal is therefore remitted on the merits on all issues to the First-tier Tribunal for a Judge of that Tribunal other than Judge Aziz to re-make the decision on the appellant's appeal.
6. I draw the attention of the parties to the recent judgment of Fordham J in R (Joint Council for the Welfare of Immigrants) v President of the Upper Tribunal (Immigration and Asylum Chamber) [2020] EWHC 3103 (Admin).
7. **The respondent's attention is drawn to the fact that she is now in breach of the Directions issued in the decision granting permission.**
8. **The respondent must now forthwith and in any event within 5 working days of the date on which this Decision is sent to the parties comply with the directions issued in the decision granting permission.**

Notice of Decision

The decision of the First-tier Tribunal involved the making of errors on points of law such that the decision is set aside. This appeal is remitted to the First-tier Tribunal on the merits on all issues for the decision on the appellant's appeal to be re-made by a judge other than Judge of the First-tier Tribunal S. Aziz.

Upper Tribunal Judge Gill

Date: 7 December 2020