



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

**Appeal number: PA/01697/2020**

**THE IMMIGRATION ACTS**

**Heard at Field House  
On 14 February 2022**

**Decision & Reason Promulgated  
On 29 March 2022**

**Before**

**UPPER TRIBUNAL JUDGE GLEESON  
DEPUTY UPPER TRIBUNAL JUDGE SKINNER**

**Between**

**A R B (TANZANIA)  
(ANONYMITY ORDER MADE)**

Appellant

**and**

**THE SECRETARY OF STATE FOR THE HOME DEPARTMENT**

Respondent

**Representation:**

For the appellant: In person

For the respondent: Mr Esen Tufan, a Senior Home Office Presenting Officer \_

**Anonymity order**

*Pursuant to Rule 14 of the Tribunal Procedure (Upper Tribunal) Rules 2008 (SI 2008/269) The Tribunal has ORDERED that no one shall publish or reveal the name or address of A R B who is the subject of these proceedings or publish or reveal any information which would be likely to lead to the identification of him or of any member of his family in connection with these proceedings.*

***Any failure to comply with this direction could give rise to contempt of court proceedings.***

**DECISION AND DIRECTIONS**

1. The appellant appeals with permission from the decision of the First-tier Tribunal dismissing his appeal against the respondent's decision on 14 February 2020 to refuse him refugee status under the 1951 Convention, humanitarian protection, or leave to remain in the United Kingdom on human rights grounds. The appellant is a citizen of Tanzania and his human rights claim was based on his claimed gay or bisexual sexual orientation.

### **Mode of hearing.**

2. The hearing today took place remotely by Microsoft Teams. There were no technical difficulties. We are satisfied that all parties were in a quiet and private place and that the hearing was completed fairly, with the cooperation of both representatives.
3. Permission to appeal was granted by Upper Tribunal Judge Gill on 6 September 2021. At that time, the applicant was represented by Duncan Lewis Solicitors and his Counsel, Ms Zehrah Hassan, settled grounds of appeal asserting that the appellant, as a vulnerable witness, was not given adequate breaks and that she failed adequately to take into account his vulnerability in reaching her conclusions of credibility and fact.
4. UTJ Gill ordered that the applicant submit a witness statement from Ms Hassan, and that she make herself available to be questioned at the hearing, noting that it followed that the appellant would need different representation at the next hearing.

### **The hearing**

5. The appellant appears in person today, with the assistance of a Swahili interpreter. The appellant had experienced problems with his NASS housing and had been street homeless for the past few months, in Wakefield near Leeds. Fortunately, he had been served by email with notice of the hearing, as he had no fixed address at present.
6. The appellant told the Tribunal that his former solicitors and barrister had ceased to represent him immediately after the last hearing. He had the papers, but did not understand them fully. He had not been able to get any other representation since the grant of permission last September.
7. That being the case, the Tribunal went through the grounds with the appellant and he confirmed that Ms Hassan's grounds reflected his recollection of the hearing. We do not consider that the absence of a witness statement from Counsel is fatal to the appeal, given the detail of the grounds she settled.
8. After discussion of the grounds, and the limited information available on the Home Office electronic file as to the previous hearing, it was agreed by all parties that the First-tier Judge's decision was flawed and could not stand.
9. We direct that the decision be remade at the Bradford hearing centre if possible, given the appellant's geographical location. The appellant is

strongly advised to seek professional representation for the remaking hearing.

## **DECISION**

10. For the foregoing reasons, our decision is as follows:

The making of the previous decision involved the making of an error on a point of law.

We set aside the previous decision.

The decision in this appeal will be remade in the First-tier Tribunal on a date to be fixed. The appellant will require a Swahili interpreter.

**Signed** [Judith AJC Gleeson](#)  
Upper Tribunal Judge Gleeson

**Date:** 15 February 2022