



**Upper Tribunal
(Immigration and Asylum Chamber) Appeal Number: PA/02287/2020**

THE IMMIGRATION ACTS

**Heard at Manchester CJC
On 7 March 2022**

**Decision & Reasons Promulgated
On the 30 March 2022**

Before

UPPER TRIBUNAL JUDGE HANSON

Between

**HJS
(Anonymity direction made)**

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Mr Greer instructed by Broudie Jackson Canter Solicitors.

For the Respondent: Ms Young, a Senior Home Office Presenting Officer.

DECISION AND REASONS

- 1.** The appellant appeals with permission a decision of the First-tier Tribunal. It was argued on the appellant's behalf that the First-tier Judge, for the reasons set out in the grounds seeking permission to appeal to the Upper Tribunal and the submissions of Mr Greer, erred in law in inter alia permitting a procedural unfairness sufficient to amount to a material error of law.

2. Ms Young on behalf of the Secretary of State accepted such procedural unfairness had been made out which was material to the decision to dismiss the appeal.
3. In accordance with the practice of the Court of Appeal where such an issue is found to have arisen, I set aside the decision of the First-tier Tribunal in its entirety and remit the case to the First-tier Tribunal sitting in Manchester to be heard afresh by a judge other than Judge Curtis.
4. On the next occasion the Tribunal can consider the impact of the recent guidance case of XX (PJAK) (Sur place activities) CG [2022] UKUT 00023.

Decision

5. **The Judge materially erred in law. I set the decision aside. This appeal shall be remitted to the First-tier Tribunal Hearing Centre in Manchester to be heard afresh.**

Anonymity.

6. The First-tier Tribunal made an order pursuant to rule 45(4)(i) of the Asylum and Immigration Tribunal (Procedure) Rules 2005.

I make such order pursuant to rule 14 of the Tribunal Procedure (Upper Tribunal) Rules 2008.

Signed.....
Upper Tribunal Judge Hanson

Dated 7 March 2022