



Upper Tribunal
(Immigration and Asylum Chamber)

Appeal number: PA/09963/2018
(UI-2021-000956)

The Immigration Acts

Before

Upper Tribunal Judge Gill

Between

**J I M
(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 him. 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

1. By my decision granting permission (signed on 26 January 2022 and sent to the parties on 3 March 2022), the Upper Tribunal notified the parties of its provisional view:
 - (i) that, for the reasons given in the decision granting permission, the decision of Judge of the First-tier Tribunal Aujla should be set aside save that his findings on the s.72 certificate at paras 35-36 shall stand and that the decision on the appellant's appeal should otherwise be re-made in its entirety; and

- (ii) that para 7.2 of the Practice Directions applies and that this appeal should be remitted to the First-tier Tribunal for the decision on the appeal to be re-made by a Judge of the First-tier Tribunal other than Judge Aujla.
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 provisional view unless the parties objected, with reasons, by 4 pm on the fourteenth calendar day after the date of the Tribunal's notice.
 3. By an email dated 7 March 2022, Mr A Tan, Senior Presenting Officer, informed the Upper Tribunal that the respondent did not have a copy of the appellant's grounds. The Upper Tribunal provided the respondent with a copy of the appellant's grounds and extended the deadline for the respondent to object to 4 p.m. on the fourteenth calendar day after my Directions (signed on 29 March 2022) were sent to the parties on 29 March 2022.
 4. To date, no response has been received from the appellant or from the respondent.
 5. For the reasons given in the decision granting permission and the grounds of appeal, I am satisfied that the decision of Judge Aujla involved the making of errors on points of law such that the decision falls to be set aside save that his findings on the s.72 certificate at paras 35-36 shall stand. The decision on the appellant's appeal will otherwise be re-made in its entirety.
 6. For the reasons given in the decision granting permission, this appeal is remitted to the First-tier Tribunal for a Judge of that Tribunal other than Judge Aujla to re-make the decision on the appellant's appeal afresh on all issues save that the findings of Judge Aujla on the s.72 certificate shall stand.

Notice of Decision

The decision of Judge of the First-tier Tribunal Aujla involved the making of errors on points of law such that the decision is set aside save that his findings on the s.72 certificate at paras 35-36 stand. This case is remitted to the First-tier Tribunal for a Judge of that Tribunal other than Judge Aujla to re-make the decision on the appellant's appeal afresh on all issues save that the findings of Judge Aujla on the s.72 certificate shall stand.

Upper Tribunal Judge Gill

Date: 9 June 2022

NOTIFICATION OF APPEAL RIGHTS

1. A person seeking permission to appeal against this decision must make a written application to the Upper Tribunal. Any such application must be **received** by the Upper Tribunal within the **appropriate period** after this decision was **sent** to the person making the application. The appropriate period varies, as follows, according to the location of the individual and the way in which the Upper Tribunal's decision was sent:
2. Where the person who appealed to the First-tier Tribunal is **in the United Kingdom** at the time that the application for permission to appeal is made, and is not in detention under the Immigration Acts, the

appropriate period is **12 working days (10 working days, if the notice of decision is sent electronically).**

3. Where the person making the application is in detention under the Immigration Acts, **the appropriate period is 7 working days (5 working days, if the notice of decision is sent electronically).**
4. Where the person who appealed to the First-tier Tribunal is **outside the United Kingdom** at the time that the application for permission to appeal is made, the appropriate period is **38 days (10 working days, if the notice of decision is sent electronically).**
5. A “working day” means any day except a Saturday or a Sunday, Christmas Day, Good Friday or a bank holiday.
6. The date when the decision is “sent’ is that appearing on the covering letter or covering email.