



Upper Tribunal
(Immigration and Asylum Chamber)

Appeal Number: PA/09231/2017

THE IMMIGRATION ACTS

Heard at Field House
On 13th August 2018

Decision & Reasons Promulgated
On 24th August 2018

Before

UPPER TRIBUNAL JUDGE MARTIN

Between

NS
(ANONYMITY DIRECTION MADE)

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Mr J Plowright (instructed by JS Solicitors)
For the Respondent: Miss J Isherwood (Senior Home Office Presenting Officer)

DECISION AND REASONS

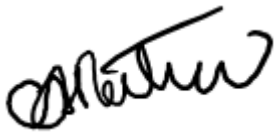
1. This is an application to the Upper Tribunal by the Appellant in relation to a judgment of the First-tier Tribunal, Judge Cockrill, promulgated on 16th May 2018. The case is a protection claim brought by a citizen of Bangladesh born in 1982. The judge determined the appeal having heard from the Presenting Officer, there being no attendance by the Appellant or a representative.
2. The grounds upon which permission to appeal was granted say that the Appellant, his surety/accommodation provider and his surety's wife had not received notification of the appeal hearing and they certainly would have attended had they done so. Particularly pertinent is that the matter had previously been listed and adjourned, not by reason of any application by the Appellant, but of the court's own

volition and on that day they had all indeed attended. It is clear therefore that the Appellant intended to prosecute his appeal and to bring witnesses to the hearing. The fact that he did not receive notice of the hearing and so did not attend amounts to a procedural error, or an administrative error, amounting to an error of law and for that reason I set aside the Decision. As he has not had a hearing before the First-tier Tribunal it is appropriate that he should and therefore the matter is remitted to the First-tier Tribunal for a full re-hearing at Hatton Cross hearing centre.

3. Given that this is a protection claim that has not yet been determined I continue the anonymity direction.

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.



Signed

Date 16th August 2018

Upper Tribunal Judge Martin