



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

Appeal Number: PA/11838/2018

THE IMMIGRATION ACTS

**Heard at Field House
On 15 November 2019**

**Decision & Reasons
Promulgated:
On 21 November 2019**

Before

UPPER TRIBUNAL JUDGE GLEESON

Between

**D S B (JAMAICA)
[ANONYMITY ORDER MADE]**

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Mr Fiyaz Saeed, solicitor with Legal Eagles solicitors
For the Respondent: Mr Ian Jarvis, a Senior Home Office Presenting Officer

DECISION OF THE UPPER TRIBUNAL

**PURSUANT TO RULE 40(3)(a) OF
THE TRIBUNAL PROCEDURE (UPPER TRIBUNAL) RULES 2008**

Anonymity

The First-tier Tribunal made an anonymity order. The Upper Tribunal continues that order, pursuant to rule 14 of the Tribunal Procedure (Upper Tribunal) Rules 2008. Unless the Upper Tribunal, the First-tier Tribunal or a Court otherwise directs, no report of these proceedings nor any form of publication thereof shall directly or indirectly identify the appellant. This direction applies, among others, to all parties.

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

1. The appellant appeals with permission from the decision of the First-tier Tribunal (Harmondsworth Hearing Centre) dismissing his appeal against the respondent's decision to refuse him asylum under the Refugee Convention, humanitarian protection, or leave to remain on human rights grounds.
2. Permission to appeal was granted on the basis that the appellant was unfairly denied an opportunity to present oral evidence by video link from two witnesses, who were only prepared to give evidence on terms of anonymity. Evidence before the Upper Tribunal indicates that the appellant's representatives wrote to the First-tier Tribunal on 9 April and 9 July 2019, asking for this facility to be provided, but the Judge dealt with the application as though it were being made without notice, and it appears that the First-tier Tribunal did not respond to the appellant's representatives' letters.
3. The First-tier Judge refused an adjournment and counted against the appellant his finding that the letters from the two witnesses were either unsigned or omitted the writers' credentials, whereas in fact they were either signed, or had a typed name and set out the writer's credentials.
4. At the hearing today, it was common ground that there was substantial procedural unfairness in the hearing before the First-tier Tribunal, at a level which amounted to an error of law.
5. Both parties agree that this is a case where the decision of the First-tier Tribunal must be set aside and remade. The appellant has asked that the appeal be reheard in Taylor House where there are adequate video link hearing facilities.
6. I am also satisfied that the decision of the First-tier Tribunal can properly be set aside without a reasoned decision notice.

Decision

7. I set aside the decision of the First-tier Tribunal, with no findings of fact or credibility preserved.
8. The decision in this appeal will be remade in the First-tier Tribunal (Taylor House Hearing Centre) with no findings of fact or credibility preserved.

Signed: **Judith A J C Gleeson**
November 2019
Upper Tribunal Judge Gleeson

Date: 14