



**IN THE UPPER TRIBUNAL**  
**IMMIGRATION AND ASYLUM CHAMBER**

**Ce-File Number: UI-2022-  
006314**  
**First-tier Tribunal No:  
PA/01020/2021**

**THE IMMIGRATION ACTS**

**Decision & Reasons Issued:  
On the 25 April 2023**

**Before**

**UPPER TRIBUNAL JUDGE PITT**

**Between**

**Joginder Kaur  
(NO ANONYMITY DIRECTION MADE)**

Appellant

**and**

**Secretary of State for the Home Department**

Respondent

Representation:

For the appellant: Mr Mostafa, Counsel instructed by Capital One Solicitors  
For the respondent: Mr Tufan, Senior Home Office Presenting Officer

**Heard at Field House on 3 April 2023**

**DECISION AND REASONS**

1. This is an appeal against the decision issued on 24 January 2022 of First-tier Tribunal Judge Lester which refused the appellant's protection and human rights claim.
2. The appellant is a national of India and was born on 30 December 1950.
3. The appellant did not provide any materials in support of her appeal before the First-tier Tribunal and did not attend the hearing. The First-tier Tribunal considered whether to proceed in the absence of the appellant on page 4 of the decision under the heading "The Hearing". The First-tier Tribunal decided to proceed.

4. It was undisputed that by the time of the hearing before the First-tier Tribunal hearing the appellant was not represented and that she only speaks Punjabi. The parties accepted that it was unclear whether the appellant had provided the First-tier Tribunal with an email address for correspondence or if this had been done with or without her agreement by legal advisers who then came off the record. Mr Tufan conceded that the wording in the decision about whether to proceed, the Tribunal having “checked unconfirmed that the hearing details I’ve been sent to the appellant via email (sic) ” was not clear. He also did not object to the admission of a letter from The Great Western Hospital in Swindon dated 23 February 2022 which set out that the appellant “is very isolated from her community and her mental wellbeing is deteriorating due to the isolation she is experiencing due to a combination of language barriers as a Punjabi speaker, a lack of community to support her and symptoms of breathlessness which do restrict her getting up and down stairs.”
5. In light of all those matters the respondent accepted that the decision of the First-tier Tribunal to proceed with the hearing in the absence of the appellant should not stand and that an error of law should be found and the appeal remitted to the First-tier Tribunal to be remade afresh. It appeared to me that the respondent’s concession on procedural error was well made and that the lack of clarity as to whether the appellant received the notice of hearing and evidence as to her isolation and ill-health indicated that the decision should be set aside to be remade in the First-tier Tribunal afresh.

### **Notice of Decision**

6. The decision of the First-tier Tribunal discloses an error on a point of law and is set aside to be remade afresh in the First-tier Tribunal.

Signed: S Pitt  
Upper Tribunal Judge Pitt

Date: 3 April 2023