



IN THE UPPER TRIBUNAL

Case No: UI-2021-001717

**IMMIGRATION AND ASYLUM
CHAMBER**

First-tier Tribunal No: PA/52201/2020

THE IMMIGRATION ACTS

Decision & Reasons Issued:

On 19 July 2023

Before

UPPER TRIBUNAL JUDGE NORTON-TAYLOR

Between

BMJ

(ANONYMITY ORDER MADE)

Appellant

and

SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Order Regarding Anonymity

Pursuant to rule 14 of the Tribunal Procedure (Upper Tribunal) Rules 2008, the appellant is granted anonymity.

No-one shall publish or reveal any information, including the name or address of the appellant, likely to lead members of the public to identify the appellant. Failure to comply with this order could amount to a contempt of court.

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

1. The appellant a citizen of Iran, was granted permission to appeal against the decision of the First-tier Tribunal, which had dismissed his appeal against the respondent's refusal of his protection and human rights claims. Following the grant of permission, the respondent provided a rule 24 response which conceded that the First-tier Tribunal had erred in law, as contended for in the grounds of appeal.
2. The rule 24 response indicated that remittal to the First-tier Tribunal for a complete rehearing would be appropriate. This was in line with the grounds of appeal.
3. For reasons unknown, this appeal subsequently lay dormant for a considerable period of time.
4. In all the circumstances, I deem it appropriate to deal with this matter under rule 40(3) of the Upper Tribunal's Procedure Rules.
5. I conclude that the First-tier Tribunal did materially erred in law, as set out in the grounds of appeal and conceded in the rule 24 response. The appropriate disposal of this appeal is to remit it to the First-tier Tribunal for a complete rehearing. The remitted appeal shall not be conducted by the judge who originally heard it.
6. It is hoped that this case can be listed for a remitted hearing as soon as possible, given the lengthy delay thus far.

Anonymity

7. As this appeal involves protection issues, it is appropriate to make an anonymity direction.

Notice of Decision

The making of the decision of the First-tier Tribunal did involve the making of an error on a point of law.

I exercise my discretion under section 12(2)(a) of the Tribunals, Courts and Enforcement Act 2007 and set aside the decision of the First-tier Tribunal.

I remit the case to the First-tier Tribunal.

**H Norton-Taylor
Judge of the Upper Tribunal
Immigration and Asylum Chamber
Dated: 19 July 2023**