



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

Case No: UI-2023-003331

First-tier Tribunal No: HU/00485/2023

**THE IMMIGRATION ACTS**

**Decision & Reasons Issued:**  
**On 16 September 2024**

**Before**

**UPPER TRIBUNAL JUDGE O'BRIEN**

**Between**

**KALSOOM RANI**  
**(ANONYMITY ORDER NOT MADE)**

Appellant

**and**

**THE SECRETARY OF STATE FOR THE HOME DEPARTMENT**

Respondent

**Representation:**

For the Appellant: Mr S Abbas, Counsel  
For the Respondent: Mr M Parvar, Senior Home Office Presenting Officer

**Heard at Field House on 5 August 2024**

**DECISION AND REASONS**

1. This appeal is brought against a decision of First-tier Tribunal Judge Lloyd-Lawrie ('the judge') promulgated on 26 May 2023, dismissing her appeal against the respondent's refusal of her human rights claim made on 5 February 2023.
2. Amongst grounds which principally disagreed with the judge's conclusions, the appellant appealed to this Tribunal on the basis that the judge had dismissed her appeal on the misunderstanding that she had failed to provide any evidence in support of her case. First-tier Tribunal Judge Seelhoff refused permission to appeal, noting that the appellant had provided no evidence that her papers had been sent in. However, Upper Tribunal Judge Lane granted permission on the basis that the renewed application appeared to show that the appellant's documents had in fact been sent in but had not been placed before the judge.
3. The appellant had been directed on 9 March 2023 by the First-tier Tribunal to submit any written evidence in support of her case within 28 days of the

respondent providing her bundle. The respondent did that on 15 March 2023; however, the appellant did not submit evidence in turn. It was the judge's understanding that there had in fact been no contact thereafter from the appellant. However, it is now agreed and accepted between the parties that Legal Officer Troy had on 28 April 2023 extended time for compliance for another fourteen days, making a deadline of 16 May 2023 and that, contrary to the judge's understanding, the appellant had in fact sent in her documentary evidence on 16 May 2023 (and again on 17 May 2023).

4. Both parties agree that there was material evidence in the possession of the Tribunal which should have been placed before the judge but was not, and therefore that the judge made her decision without taking into account material evidence. This, it was agreed, was an error of law.
5. None of the facts of the case have been considered in the First-tier Tribunal and therefore the parties agree that it is necessary for the appeal to be remitted to be heard afresh.

### **Notice of Decision**

1. The appeal is allowed.
2. The decision of the First-tier Tribunal involved the making of an error of law and is set aside with no facts preserved.
3. The appeal is remitted to the First-tier Tribunal.

**Sean O'Brien**

Judge of the Upper Tribunal  
Immigration and Asylum Chamber

**11 September 2024**