



IN THE UPPER TRIBUNAL
IMMIGRATION AND ASYLUM CHAMBER

Case No: UI-2023-004500
First-tier Tribunal No: PA/54789/2022

THE IMMIGRATION ACTS

Decision and Reasons Issued:
On 19th of January 2024

Before

DEPUTY UPPER TRIBUNAL JUDGE MALIK KC

Between

IG (TURKEY)
(ANONYMITY DIRECTION MADE)

Appellant

and

SECRETARY OF STATE
FOR THE HOME DEPARTMENT

Respondent

Representation

For the Appellant: Ms Sophie Panagiotopoulou, Counsel, instructed by
Bostanci and Rahman Solicitors

For the Respondent: Ms Alexandra Everett, Senior Presenting Officer

Heard at Field House on 24 November 2023

DECISION AND REASONS

Introduction

1. This is an appeal by the Appellant from the decision of First-tier Tribunal Judge Thapar (“the Judge”) promulgated on 22 May 2023. By that decision, made following an oral hearing, the Judge dismissed the Appellant’s appeal from the Secretary of State’s decision to refuse his protection and human right claims.

Discussion

2. I am grateful to Ms Panagiotopoulou, who appeared for the Appellant, and Ms Everett, who appeared for the Secretary of State, for their assistance and able submissions. The Appellant was neither present nor represented at the hearing before the Judge. The Secretary of State was represented by a Presenting Officer. The short point made by Ms Panagiotopoulou in this appeal is that the Appellant was not aware of the hearing date and, consequently, was not in attendance before the Judge. Ms Everett, having considered the evidence adduced by the Appellant, accepted that he, on balance, was not on notice as to the date of the hearing before the Judge. She, acting entirely properly and fairly, did not challenge the Appellant's evidence in that respect. It was, therefore, common ground before me that the Judge's decision was vitiated by a procedural irregularity amounting to an error of law and should be set aside. I agree. I set aside the Judge's decision and perverse no findings of fact. Having regard to paragraph 7.2 of the Senior President's Practice Statement for the Immigration and Asylum Chambers, and the extent of the fact-finding which is required, I remit the appeal to the First-tier Tribunal to be heard afresh by a different judge.

Decision

3. The First-tier Tribunal's decision is set aside and the appeal is remitted to the First-tier Tribunal for a fresh hearing.

Anonymity

4. In my judgment, having regard to the Presidential Guidance Note No 2 of 2022, *Anonymity Orders and Hearing in Private*, and the Overriding Objective, an anonymity order is justified in the circumstances of this case. I make an order under Rule 14(1) of the Tribunal Procedure (Upper Tribunal) Rules 2008. Accordingly, 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 to both parties. Failure to comply with this direction could lead to contempt of court proceedings.

Zane Malik KC
**Deputy Judge of Upper Tribunal
Immigration and Asylum Chamber
Date: 12 January 2024**