



IN THE UPPER TRIBUNAL
IMMIGRATION AND ASYLUM
CHAMBER

Case No: UI-2024-003369

First-tier Tribunal No:
PA/52507/2023

THE IMMIGRATION ACTS

Decision & Reasons Issued:

On 16th of October 2024

Before

DEPUTY UPPER TRIBUNAL JUDGE L MURRAY

Between

MJRAH

(ANONYMITY ORDER MADE)

Appellant

and

Secretary of State for the Home Department

Respondent

Representation:

For the Appellant: Ms Ferguson of Counsel

For the Respondent: Ms Gilmour, Senior Home Office Presenting Officer

Heard at Field House on 27 September 2024

DECISION MADE PURSUANT TO RULES 34, 39 & 40 (3) OF THE
TRIBUNAL PROCEDURE (UPPER TRIBUNAL) RULES 2008

1. The Appellant appeals with permission against the decision of First-tier Tribunal Judge Cohen heard on 27 February 2024 and promulgated on 22 May 2024.
2. In the light of submissions by both parties and the concession by the Respondent that the judge erred for the reasons set out in the Grounds

and upon which permission was granted, I find that there was a material error of law. The representatives informed me that they had the opportunity, pursuant to the Upper Tribunal Directions, to agree a record of the Appellant's oral evidence before the First-tier Tribunal and the Respondent consequently accepted that there were procedural errors in relation to findings made in relation to matters not put and a failure to take material evidence into account.

3. The Upper Tribunal may give an oral decision under Rule 40 (1) of the Tribunal Procedure (Upper Tribunal) Rules 2008. I found that there was an error of law in the decision of the First-tier Tribunal for the reasons set out in the Grounds and conceded by the Respondent. Rule 40 (3) provides that the Upper Tribunal must provide written reasons for its decision unless the parties have consented to the Upper Tribunal not giving written reasons. The parties gave their consent at the hearing.
4. As it was agreed that none of the findings of fact can be preserved, the appeal will have to be heard again. Accordingly with reference to paragraph 7.2 of the Practice Statement and having considered the applicable principles as set out in of AEB v SSHD [2022] EWCA Civ 1512 and Begum (Remaking or remittal) Bangladesh [2023] UKUT 00046 (IAC) it is appropriate to remit the appeal to the First-tier Tribunal because of the extent of necessary fact-finding.

Decision:

1. The making of the decision of the First-tier Tribunal did involve the making of an error on a point of law.
2. I set aside the decision
3. I remit the decision for a fresh hearing on all issues before any Judge other than Judge Cohen.

Signed

L Murray

Judge L Murray
Deputy Upper Tribunal Judge

14 October 2024