



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

**Case Nos.: UI-2024-004334**  
**First-tier Tribunal No:**  
**PA/53439/2023**  
**LP/03114/2024**

**THE IMMIGRATION ACTS**

**Decision & Reasons Issued:**  
**On the 07 October 2024**

**Before**

**UPPER TRIBUNAL JUDGE GREY**

**Between**

**AH**  
**(ANONYMITY ORDER MADE)**

Appellant

**And**

**SECRETARY OF STATE FOR THE HOME DEPARTMENT**

Respondent

**DECISION AND REASONS**  
**MADE WITHOUT A HEARING PURSUANT TO**  
**RULE 34 OF THE TRIBUNAL PROCEDURE (UPPER TRIBUNAL) RULES**  
**2008**

**Order Regarding Anonymity**

Pursuant to rule 14 of the Tribunal Procedure (Upper Tribunal) Rules 2008, the Appellant (AH) 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.

1. The appellant appeals against the decision of First-tier Tribunal Judge Abebrese dated 11 June 2024 (“the Decision”) dismissing the appellant’s appeal against the respondent’s decision dated 22 September 2023 refusing his protection claim.

2. The appellant claims to be stateless. He claims that as a Rohingya Muslim he would face persecution on return to Myanmar. He first claimed asylum in the United Kingdom on 26 February 2018. Following a withdrawal of his initial asylum claim he raised further submissions on 3 January 2020 which were refused by the respondent.
3. At [5] of the Decision the Judge states that the relevant standard of proof applicable in the appellant's asylum claim is the balance of probabilities. The appellant claimed asylum prior to 28 June 2022 and therefore the relevant standard of proof is to a reasonable degree of likelihood. On this basis, on the appellant's application, First-tier Tribunal Judge Chowdhury granted permission to appeal to the Upper Tribunal by a decision dated 17 September 2024.
4. In a letter dated 26 September 2024 the respondent confirmed that she does not oppose the appellant's application to appeal the Decision and invites the Upper Tribunal to remit the appeal de novo to the First-tier Tribunal.
5. Unless the appellant notifies the Upper Tribunal within 48 hours of the issue of this decision, in accordance with the respondent's concession, I find there to be an error of law in the Decision. I set aside the Decision in its entirety and remit the appeal to the First-tier Tribunal (Taylor House) for re-hearing before any First-tier Tribunal Judge other than Judge Abebrese.

**NOTICE OF DECISION**

**The Decision of Judge Abebrese dated 11 June 2024 involved the making of an error of law. I therefore set aside that Decision in its entirety. I remit the appeal to the First-tier Tribunal (Taylor House) for re-hearing before any First-tier Tribunal Judge other than Judge Abebrese.**

S E A Grey  
Judge of the Upper Tribunal  
Immigration and Asylum Chamber  
4 October 2024