



**Upper Tribunal  
(Immigration and Asylum Chamber)**

Appeal Number: PA/03820/2018

**THE IMMIGRATION ACTS**

**Heard at Field House**

**Decision & Reasons  
Promulgated**

**Heard on 14 November 2018**

**On 6 December 2018**

**Prepared on 26 November 2018**

**Before**

**DEPUTY UPPER TRIBUNAL JUDGE WOODCRAFT**

**Between**

**MR SHAMEEM AHMED  
(Anonymity order not made)**

Appellant

**and**

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

Respondent

**Representation:**

For the Appellant: Miss I Sriharan of Counsel

For the Respondent: Mr S Kandola, Home Office Presenting Officer

**DECISION AND REASONS**

**The Proceedings**

1. The Appellant is a citizen of Bangladesh born on 10 February 1999. He appeals against a decision of the Respondent dated 10 March 2018 to refuse the Appellant's application for international protection. His appeal was initially dismissed by Judge of the First-tier Tribunal Frankish sitting

at Taylor House on 24 April 2018. The Appellant was granted permission to appeal against the decision of the First-tier and the matter came before me on 5 September 2018. I set the decision of the First-tier Tribunal aside and directed that the appeal should be reheard by me in the Upper Tribunal. There is annexed to this determination a copy of my decision finding a material error of law and directing this re-hearing.

2. The Appellant arrived in the United Kingdom on or about 29 or 30 December 2009 and was granted a series of student visas valid until 14 March 2015. On that day he applied for leave to remain as a tier 4 general student, but that application was considered inappropriate and was voided. On 1 April 2015 he applied for leave to remain outside the immigration rules on compassionate grounds, but this was refused with no right of appeal. On 25 April 2017 he was arrested by immigration officers and served with removal directions. On 2 May 2017 he applied for leave under Article 8 which was refused and certified as being without merit.

### **The Appellant's Case**

3. The Appellant claimed asylum on 24 May 2017 arguing that he was at risk upon return because of his involvement with the Bangladesh National Party (BNP) since 2008 which had caused him to be persecuted by the rival Awami league. He was a student leader of the BNP. A case had been filed against him at a police station and the police had come to his house with a warrant looking for him. The police were dominated by the Awami league and were still enquiring about him even though he was now in the United Kingdom. His mother was also involved with the BNP in a senior position.

### **The Law Relating to the Claim Under The Refugee Convention**

4. The Appellant appeals under Section 82(1) of the Nationality, Immigration and Asylum Act 2002 on the ground that the Respondent has refused a protection claim and in doing so is in breach of the United Kingdom's obligations under the 1951 United Nations Convention relating to the Status of Refugees and the later Protocol ("the Refugee Convention"). It is for the Appellant to show that he is a refugee. By Article 1A (2) of the Refugee Convention, a refugee is a person who is out of the country of his or her nationality and who, owing to a well-founded fear of persecution for reasons of race, religion, nationality or membership of a particular social group or political opinion, is unable or unwilling to avail him or herself of the protection of the country of origin and who is not excluded by Articles 1D, 1E or 1F of the Refugee Convention.
4. The degree of likelihood of persecution needed to establish an entitlement to asylum is decided on a basis lower than the civil standard of the balance of probabilities. This was expressed as a "reasonable chance", "a serious possibility" or "substantial grounds for thinking" in

the various authorities. That basis of probability not only applies to the history of the matter and to the situation at the date of decision, but also to the question of persecution in the future if the Appellant were to be returned.

### **The Law Relating to the Claim for Humanitarian Protection**

5. Paragraph 339C of the Immigration Rules provide for a grant of humanitarian protection in circumstances where a person does not qualify as a refugee but can show substantial grounds for believing that they would, if returned to their country of return, face a real risk of suffering serious harm, for example due to general country conditions. The applicant must be unable or owing to such risk unwilling to avail himself of the protection of that country and not be excluded by the factors in paragraph 339D.

### **The Law Relating to The Claim Under the Human Rights Convention**

6. This appeal is also brought under section 82 (1) (b) of the 2002 Act because the Respondent has decided to refuse a human rights claim. The burden of proof of establishing such a claim rests on the Appellant. The Appellant has in particular relied upon Articles 2 (Right to Life), 3 (Prohibition of Torture) and 8 (Right to Respect for Private and Family Life). The standard of proof in respect of Articles 2 and 3 can be equated with the standard of proof in asylum cases. The burden of establishing a breach of Article 8 also rests upon the Appellant but the standard of proof this time is the usual civil standard of balance of probabilities.

### **Documentation Considered**

7. On the file was the Respondent's bundle comprising: immigration information on form PF1; visa application details; screening interview and substantive asylum interview; refusal letter with reasons and notice of appeal. The Appellant had produced a bundle at first instance which comprise the witness statement of the Appellant dated 24 April 2018; background information about Bangladesh; news reports and the Appellant's Bangladesh identity card. I also had copies of the documents to which I refer at paragraph 7 of my error of law decision comprising two affidavits, one from the Appellant's mother and the other from his sister; certificate; first information report (FIR) and statement from the person lodging the FIR; a warrant of arrest and English translation thereof.

### **Explanation for Refusal**

8. The Respondent noted in his refusal letter that there were certain gaps in the Appellant's knowledge of the BNP, which if he was as closely involved with the BNP as claimed would not exist. The Appellant had claimed his role in the party was to inform student members to attend rallies and talk to them about the party in an effort to recruit them yet he was not aware

of an important figure in the BNP called Ilyas Ali. The Appellant gave the wrong date when a 19-point programme for the party was unveiled. He had omitted to mention payment of a subscription fee when describing how he had joined the BNP which considering his role was to recruit members undermined the credibility of his account. His reasons for joining the party appeared to be to gain respect rather than because he felt anything positive about the party. He had given a series of vague responses to questions about how he recruited members. His response to what were the core values of the BNP was considered vague referring only to the party working for the economic development of the people, democracy and socialism whereas the party's own website had 17 named objectives.

9. The Respondent noted that there were no supporting statements from other party members. His claim to have received threats from the Awami league was not considered credible. He had claimed to be involved in an incident in March 2009 but no objective information about this incident had been found. The Appellant had claimed that to avoid arrest by the police he had gone to stay with an aunt for four to five months before leaving Bangladesh. The Respondent did not consider it reasonable he would be able to stay that long at a relative's house without being arrested if there was a warrant out for the Appellant's arrest. It was unclear how the Appellant had been able to get past security at the airport and exit Bangladesh lawfully if there was such a warrant.
10. Although there appears to have been a typing error at paragraph 62 of the refusal letter the point made was that it was not credible that the Appellant would still be subject to threats from the Awami league eight years after leaving Bangladesh given that he had not been politically active since arriving in the United Kingdom. The Respondent also relied on section 8 of the Asylum and Immigration (Treatment of Claimants etc) Act 2004. The Appellant had only claimed asylum after he was arrested in April 2017. If the Appellant had a genuine fear of return to Bangladesh, he would have sought international protection earlier. The Respondent rejected the Appellant's explanation that he, the Appellant, had not claimed asylum on arrival because he wanted to continue with his studies and expected the BNP to come to power his problems would be solved. The Appellant could not meet the immigration rules and there were no exceptional circumstances to allow his application outside the rules

### **The Hearing**

11. At the outset of the hearing counsel made an application for an adjournment on the basis that the Appellant had instructed a firm of solicitors Mughal Law one week ago. He had revoked his instructions to his previous solicitors Cranbrook solicitors who had represented the Appellant before Judge Frankish and at the error of law hearing before me. The Appellant complained that he had had to chase Cranbrook solicitors to act on his instructions. The Appellant wished to dispute the

factual situation as presented by Judge Frankish. Counsel indicated she had been unable to take a statement from the Appellant as no Bengali interpreter had been provided by her instructing solicitors. I was not provided with written evidence of any complaint that had been made to Cranbrook solicitors.

12. I considered the application for an adjournment bearing in mind that the test is one of fairness. The Appellant had been represented by experienced counsel at the error of law hearing before me on 5 September 2018 some ten weeks earlier. It was evident at that hearing that counsel then instructed had been fully briefed. Even if the Appellant had only instructed new solicitors one week ago, they had still had sufficient time to begin their preparation. It was clear that nothing of substance had been done by the new solicitors who had only instructed counsel to attend the substantive rehearing to make an application for an adjournment. If solicitors take on a case at short notice it is incumbent upon them to give such a case significantly more attention in the time available than the new solicitors had done in this case (for example send an interpreter along to assist counsel). No request was made to me for copies of the court papers. As no good reason had been shown why the Appellant had changed his solicitors a week ago and no written evidence of a complaint against the previous solicitors was presented to me which might justify that change, I did not consider that the requirement of fairness necessitated an adjournment.
13. The Appellant had had ample time to prepare for the hearing before me since he and his previous solicitors had been notified of the error of law. Indeed, the Appellant confirmed to me that he had been present at the error of law hearing (when I had announced I found a material error of law). The Appellant stated that he had paid his previous solicitors' bill but was not sure why he had not received his papers from them. No supporting evidence of payment was forthcoming indicating that his previous solicitors might be exercising some form of lien in which case a further adjournment would serve no useful purpose. I indicated that I would put the matter back until after lunch during which counsel could take further instructions from her client with the help of her instructing solicitors. When the case was called on after lunch counsel indicated that no further statement was forthcoming, and she did not consider she was professionally able to continue to represent the Appellant. She withdrew from the hearing.

### **The Hearing before Me**

14. The Appellant gave evidence through the court appointed Bengali interpreter. As the Appellant was now unrepresented I asked him a number of questions to assist him with the presentation of his case in order to ensure that he had access to justice. In particular I invited the Appellant to tell me more about the documents, the absence of which at first instance had led to the decision of Judge Frankish being set aside.

The Appellant said he knew what was in the documents. They confirmed that he was a leader of the students wing of the BNP. The affidavits were from his mother and his sister. The allegations made against him in the FIR were false. He knew about the warrant of arrest that had been issued against him. As far as he was aware there were no other documents he wished to rely on. He could not say exactly when he had received the documents, but he thought it was about four to five months ago.

15. He had obtained them because he had been advised by Cranbrook solicitors to obtain some documents in support of his claims otherwise he was told his case would be in trouble. The solicitors said he must have these documents if he wanted to prove he was active within the BNP. He had emailed his mother who had travelled to Saudi Arabia asking for assistance. He was not sure who was looking after her political activities while she was out of the country. He did not know when his mother had given up politics she had done it gradually. She was able to protect herself from the Awami League because she was active in politics but he had had problems because he was only involved in the student wing of the BNP. His mother had tried to protect him unsuccessfully. He did not know why he had been blamed for the incident in March 2009 when he had not even been there. If he did not have any problems in Bangladesh, he would be willing to go home.
16. In cross examination from the Presenting Officer he was asked why he had claimed in his screening interview that his mother was the vice president of the organisation when she was not. According to the certificate issued by the BNP his mother was a woman secretary in the Chinispur union. His said he thought it was a mistake in the screening interview. His mother was said to be in Saudi Arabia on 14 June 2017 the same day that she had apparently made an affidavit in Bangladesh in support of the Appellant's claim. Asked to explain this discrepancy he said she had returned to Bangladesh to make the affidavit, but he did not know exactly when she had signed it. She came and went between Saudi Arabia and Bangladesh.
17. He thought the police had come to his house in 2009. The arrest warrant he produced was dated 14 March 2009 just a few days after the FIR. He found out that the police had come looking for him from his mother who told him to go and stay with an aunt. He had stayed with the aunt about seven months before leaving Bangladesh. He accepted that he had not claimed asylum until he had been detained and removal directions were served. He had no interest to stay in the United Kingdom he thought that if conditions in Bangladesh improved after he had finished his studies he would go back. He had not claimed asylum in 2009 when he first arrived in the United Kingdom even though he knew at that time about the FIR and the arrest warrant because he thought the situation in Bangladesh would improve.

### **Closing Submissions**

18. In closing for the Respondent reliance was placed on the refusal letter which had comprehensively dealt with all matters. No weight should be placed on the further documentation which had not been before Judge Frankish. The documents were riddled with mistakes including spelling mistakes. The certificate given to the Respondent by the Appellant's solicitors had referred to the Appellant's mother being an emigrant. The Appellant's explanation that this meant that she was in Saudi Arabia was inconsistent with the claim that she had been in Bangladesh making an affidavit at the same time. There was no case issued against the Appellant's mother even though she was said to be a more senior figure in the BNP than the Appellant. It was inconsistent for the Appellant to suggest that a case would have been issued against him.
19. It was not credible that the Appellant could stay for seven months with his aunt without any problems when both an FLR and an arrest warrant had been issued against him. The affidavits had been made in June 2017. At that time the Appellant was in detention in the United Kingdom facing removal to Bangladesh. It was not a coincidence that his family had produced such documents at that time. It was also not credible that the Awami league would chase after the Appellant some nine years after the claimed incident in March 2008.
20. In closing the Appellant responded to the comments of the Presenting Officer saying that it was not difficult for him to have stayed seven months at his aunt's house. He remained inside although on occasions he did go home but most of the time he stayed there. It was like a prison for him. He had nothing from his aunt to confirm but he could obtain something if it was needed. He was the only son of his parents and if his problems in Bangladesh were over he would be prepared to return.

### **Conclusions Relating to the Claim Under the Refugee Convention**

21. The core issue in this case is the credibility of the Appellant. I set aside the previous determination because Judge Frankish had not had the opportunity of perusing further documents that the Appellant sought to rely on. The problem for the Appellant is that those documents rather than bolster his case have further undermined it. The Appellant has not been able to explain how his mother was able to swear an affidavit in Bangladesh in June 2017 when she was in Saudi Arabia at the time. It is not a coincidence that at that time the Appellant was in detention awaiting removal. The timing of the documents undermines the Appellant's claim that he obtained them because he was advised to do so by his previous solicitors. Rather the timing indicates that the Appellant prevailed upon his family to assist him with documents in order to ensure his release from detention. As with the claim that his previous solicitors had not acted on his instructions, the Appellant has again sought without justification to blame his previous representatives for his own actions.

22. His evidence has been inconsistent throughout. The Appellant's description of his mother's activities has varied during the course of these proceedings. The Appellant now seeks to resile from his earlier comment in his screening interview with the Respondent that his mother was the vice president of the BNP. When interviewed substantively four months later he gave a very different description of what his mother was said to have done for the BNP. A simpler explanation for what has happened is that the Appellant was attempting to embroider his case when first questioned by the Respondent stating that his mother was the vice president of the organisation. However, when he came to be interviewed substantively by the Respondent he indicated his incomplete grasp of his own account by referring to her as the women's secretary. This confusion is not perhaps surprising given that his mother in her own affidavit does not explain what her role for the BNP was said to be.
23. When questioned by the Respondent the Appellant showed a very limited knowledge of the BNP which if he was a student leader it was reasonable to have supposed that he would know the answers to the questions that were put to him. The Appellant's claim, in oral testimony, that he spent seven months in hiding with his aunt is undermined by his claim that at the same time he also used to return home. His explanation that he returned home to complete documents I find implausible since if it was necessary to fill out documents these could have been forwarded to his aunt's address for him to complete there. The Appellant's claim to have spent seven months at his aunt's house is further undermined by the inconsistency with questions 80 and 81 of the substantive asylum interview in which the Appellant stated he had spent four to five months at the aunt's house. Once again, the Appellant demonstrated a poor grasp of his own account.
24. The main issue the Appellant points to in justifying his claim for asylum is that the FIR was issued against him following an incident in March 2009 which in fact he had not attended. It simply makes no sense for the opposition Awami league to target the Appellant for an incident which had nothing to do with the Appellant when there were a large number of people who were present at the incident who could have been the target for revenge attacks or legal proceedings instituted by the Awami league.
25. The Appellant was noticeably vague when questioned why he had been the target of the Awami league but his mother had not. His mother's role (in his amended account) was not so senior that she would be able to have political protection that would otherwise not be available to the Appellant. Her affidavit raises more questions than it answers. She refers to going to court for her son but no evidence of that was produced such as copies of court records. She made clear that she had sent the Appellant abroad for him to complete his studies. She is noticeably vague in her statement about what if anything adverse happened to the Appellant in Bangladesh. If anyone was in a position to be able to confirm the Appellant's account it would be her but she does not do this. She

refers vaguely to threats being made against the Appellant after he had left but of the incident in 2009 which is said to have caused the Appellant to fly to the United Kingdom she is noticeably silent.

26. A further certificate, which refers to the Appellant's mother being an activist for the BNP, states that she has been harassed but her affidavit only refers to being told of threats against her son not against her. The English translation of the arrest warrant is very poor English indicating either that it has been incompetently translated or the original document was written in poor Bengali indicating it was not a genuine document. Either way I find I can place no weight on any of the further documents which the Appellant has produced.
27. I also consider it relevant that the Appellant only claimed asylum after removal directions had been made against him. He had been in the United Kingdom for eight years before making his claim for asylum during which time he had made other applications to the Respondent. He was therefore very familiar with the immigration system and it is difficult to resist the conclusion that the Appellant only made his very late claim for asylum in order to frustrate removal not because he had any genuine fear of persecution if returned. I do not find that the Appellant can make out to the lower standard that he would be at risk upon return to Bangladesh and I therefore dismiss the appeal on asylum grounds.

### **Conclusions Relating to the Claim for Humanitarian Protection**

28. As I do not find the Appellant has a valid claim for protection as a refugee it is necessary for me to go on to consider whether the Appellant has a claim for humanitarian protection. For the reasons set out above in relation to asylum and below in relation to Article 3 of the Human Rights Convention, I do not find the Appellant has any valid claim to such protection. There is no substantive difference in this case between the Appellant's claim under the Refugee Convention, the Human Rights Convention (Articles 2 and 3) and under paragraph 339C of the Immigration Rules. I do not find the Appellant can show substantial grounds for belief that he would face a real risk of suffering serious harm if returned to Bangladesh, I therefore dismiss the appeal on humanitarian protection grounds.

### **Conclusions Relating to the Claim Under the Human Rights Convention**

29. Certain of the conclusions which I set out above apply equally here. For the same reasons that I do not accept that the Appellant has a valid claim under the Refugee Convention, I do not accept that the Appellant can demonstrate to the lower standard that he is at risk of treatment contrary to Articles 2 and 3 of the Human Rights Convention. His claim under this part of the Human Rights Convention stands or falls with his claim under the Refugee Convention.

30. The Appellant did not advance a claim under Article 8 before me although he had mentioned it in his initial appeal. As Judge Frankish pointed out at [25] of his determination the claim under Article 8 was not pursued in submissions before him. The grounds of onward appeal indicated that the Judge had not fully considered the Appellant's Article 8 rights but that is not surprising since they were not argued before him. Judge Andrew who granted permission to appeal noted that Article 8 was not pursued in submissions at first instance and thus Judge Frankish could not be criticised for dealing with this issue in the way he had done. Permission to appeal on Article 8 grounds was thus not given.
31. That must be correct. The Article 8 claim has no merit. The Appellant has lived in this country for 9 years and cannot therefore succeed under paragraph 276 ADE (1) of the immigration rules as he has not lived here for 20 years. There would not be very significant obstacles to his integration into Bangladesh as he speaks the language and has close family members still living there. As I have dismissed his appeal on both asylum and Article 3 grounds it is difficult to see what insurmountable obstacles would be presented to the Appellant's relocation to Bangladesh. I have seen nothing to indicate that there were any compelling or compassionate circumstances identified such that the Appellant should succeed outside the rules. The Appellant has lived in this country and built up a private life of sorts during the time he has been here but his status was never better than precarious and at times he has been here unlawfully. In those circumstances little or no weight can be attached to any private life he might have built up and any weight that does attach is more than outweighed by the public interest in removing him as a failed asylum seeker. I therefore dismiss the appeal on human rights grounds.

### **Notice of Decision**

I dismiss the Appellant's appeal on asylum grounds, humanitarian protection grounds and Human Rights grounds.

I make no anonymity order as there is no public policy reason for so doing.

Signed this 3 December 2018

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Judge Woodcraft  
Deputy Upper Tribunal Judge

### **TO THE RESPONDENT** **FEE AWARD**

As I have dismissed the appeal and no fee was payable there can be no fee award in this case.

Signed this 3 December 2018

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Judge Woodcraft  
Deputy Upper Tribunal Judge



**Upper Tribunal  
(Immigration and Asylum Chamber)**

Appeal Number:

**THE IMMIGRATION ACTS**

**Heard at Field House**

**Decision & Reasons  
Promulgated**

**Heard on 5 September 2018  
Prepared on 6 September 2018**

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**Before**

**DEPUTY UPPER TRIBUNAL JUDGE WOODCRAFT**

**Between**

**MR SHAMEEM AHMED  
(Anonymity order not made)**

Appellant

**and**

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

Respondent

**Representation:**

For the Appellant: Mr A Cisneros of Counsel

For the Respondent: Mr C Howells, Home Office Presenting Officer

**REASONS FOR FINDING A MATERIAL ERROR OF LAW**

**The Proceedings**

5. The Appellant is a citizen of Bangladesh born on 10 February 1999. He appeals against a decision of Judge of the First-tier Tribunal Frankish sitting at Taylor House on 24 April 2018 in which the Judge dismissed the Appellant's appeal against a decision of the Respondent dated 10 March

2018. That decision was to refuse the Appellant's application for international protection.

6. The Appellant arrived in the United Kingdom on or about 29 or 30 December 2009 and was granted a series of student visas until 14 March 2015. He claimed asylum on 24 May 2017 arguing that he was at risk upon return because of his involvement with the Bangladesh National Party (BNP) which caused him to be persecuted by the rival Awami league. A case had been filed against him at a police station and the police had come to his house with a warrant looking for him. The police were dominated by the Awami league and were still enquiring about him even though he was now in the United Kingdom.

### **The Hearing at First Instance**

7. The Judge indicated in his determination that he did not consider the Appellant was a credible witness for reasons which were said to be both extensive and disparate. He dismissed the appeal.
8. The difficulty in the case arose during the Appellant's oral testimony when he indicated that he had provided documents to his solicitor which were not before the court. The Judge agreed to the suggestion of the Appellant's representative that the Appellant should be given until 4:30 PM on the day of the hearing to file the further evidence to which the Appellant had referred with the opportunity being given to the Respondent to make further submissions thereon if so advised. At [9] of the determination the Judge noted that no documents had been brought to his attention by 4:30 PM after the hearing and he proceeded to deal with the case dismissing the appeal largely on credibility grounds.

### **The Onward Appeal**

9. The Appellant appealed against that decision arguing that he had sent certain documents to the Tribunal and the Respondent by 4:30 PM by email. He enclosed with his grounds of onward appeal evidence to demonstrate that service. Permission to appeal was granted by Judge of the First-tier Tribunal Andrew on 28 June 2018. She noted that the fax receipt exhibited to the grounds showed that the documents were faxed at 4:09 in the afternoon and that in the circumstances such documents should have been brought to the Judge's attention.
10. She added: "it is an arguable error of law that [the Judge] did not receive such documents, however whether it is material to the appeal I do not know as I do not know what the documents are". I take that reference to mean that as at 28 June the documents which the Appellant said he had forwarded to the Tribunal had not been placed on the Tribunal file.
11. At the error of law hearing before me I was shown copies of the documents in question. They consisted of: an affidavit of Sheuly Akter who is the

Appellant's mother; a certificate from Mr A Kamal the president of the local branch of the BNP; an affidavit from the Appellant's sister; a first information report (FIR) dated 11 March 2009; a statement from the person lodging the FIR; a warrant of arrest; a further certificate and what appears to be a translation of an arrest warrant.

12. The Presenting Officer confirmed that the documents had been received by the Respondent although they were not on his file in court. He accepted that the documents were material as they went to the credibility of the Appellant's account Counsel for the Appellant argued that the key issue in the case was whether the Appellant was a local political figure in Bangladesh. Had the documents been before the Judge when he made his determination his findings on credibility might have been different.

### **Findings**

13. At the conclusion of submissions I indicated that as it was accepted by the Judge granting permission to appeal that the documents had been sent to the Tribunal although not apparently received (they are still not on the Tribunal file), and the Respondent accepted that the documents were relevant to the case, there was a material error of law in proceeding to issue a determination. This was notwithstanding the difficult position the Judge was placed in because the documents were not given to him by the relevant time.
14. I indicated that I would set the determination aside and order that the appeal be reheard with no findings of fact preserved. As the Appellant had already given a considerable amount of evidence in the case, recorded by Judge Frankish, I did not consider it necessary to remit the matter back to the First-tier to be reheard. Instead I indicated that the appeal would be re-heard in the Upper Tribunal at a date to be notified and the appeal reserved to me. It is a matter for the Appellant, but it may be helpful for him to make a further statement in this case to be filed with the Tribunal and served on the Respondent at least 14 days before the hearing. This further statement should explain in more detail the further documents he has submitted (to which I refer above), how he obtained them and what is their relevance to his appeal.

### **Notice of Decision**

The decision of the First-tier Tribunal involved the making of a material error of law and I have set it aside.

The appeal will be reheard at Field House before me on the first available date with a time estimate of two hours.

Leave to the Appellant to file and serve further evidence if so advised at least  
14 days before the final hearing.  
I make no anonymity order as there is no public policy reason for so doing.

Signed this 6 September 2018

.....  
Judge Woodcraft  
Deputy Upper Tribunal Judge