



**Upper Tribunal
(Immigration and Asylum Chamber)
HU/12094/2019 (V)**

Appeal Number:

THE IMMIGRATION ACTS

At Manchester CJC via Teams

Decision & Reasons

On 19 August 2021

**Promulgated
On 08 September 2021**

Before

UPPER TRIBUNAL JUDGE PLIMMER

Between

ADOLF LOKKO

Appellant

and

SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Mr Tampuri, OISC Level 2 representative at Tamsons Legal Services

For the Respondent: Mr Tan, Senior Home Office Presenting Officer

DECISION AND REASONS (V)

UPON the parties agreeing with the following

a) The decision of the FTT promulgated on 25 October 2019, after a hearing on 22 October 2019, should be set aside pursuant to rule 43 of the Tribunal Procedure (Upper Tribunal) Rules 2008 (as amended) ('the Procedure Rules'). This is because the notice of the FTT hearing was not

received by the appellant or his representatives and the hearing proceeded in the absence of the appellant. In the circumstances the conditions in rule 43(a) and (c) are met and it is in the interests to set aside the FTT decision.

b) None of the FTT's findings of fact are preserved.

c) The matter should be remitted to the FTT.

AND UPON the Tribunal considering in these circumstances that it is appropriate to set aside the FTT decision pursuant to rule 43 of the Procedure Rules and to remit the matter to the FTT

IT IS ORDERED BY CONSENT:

The decision of the FTT is set aside.

The matter is remitted to the FTT to a judge other than FTTJ Mill.

Signed: *UTJ Melanie Plimmer*
Judge of the Upper Tribunal

Dated: 19 August 2021