



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

Appeal Number: HU/09246/2018

THE IMMIGRATION ACTS

Heard at Royal Courts of Justice

Decision & Reasons

On 17 September 2018

Promulgated

On 10 December 2018

Before

UPPER TRIBUNAL JUDGE LANE

Between

**TOOFAN NAQSHBANDI
(ANONYMITY DIRECTION NOT MADE)**

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: In person

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

DECISION AND REASONS

1. The appellant, Toofan Naqshbandi, is a male citizen of Afghanistan. He had appealed to the First-tier Tribunal (Judge Hodgkinson) against a decision of the Secretary of State dated 14 September 2017 to refuse his human rights (Article 8 ECHR) claim. The First-tier Tribunal dismissed his appeal. The appellant now appeals, with permission, to the Upper Tribunal.
2. At the initial hearing on 17 September 2018, Mr Clark, who appeared for the Secretary of State, told me that the respondent considered that the First-tier Tribunal had erred in law such that its decision fell to be set aside

by refusing to grant an adjournment of the hearing (see grounds of appeal, paragraphs 6-10). As a consequence, the appellant had been denied a fair hearing of his appeal.

3. In the circumstances, I set aside the First-tier Tribunal decision.

Notice of Decision

4. The First-tier Tribunal decision which was promulgated on 3 July 2018 is set aside. None of the findings of fact shall stand. The appeal is returned to the First-tier Tribunal (not Judge Hodgkinson) for that Tribunal to remake the decision.

Signed

Date 30 November 2018

Upper Tribunal Judge Lane