



Upper Tribunal  
(Immigration and Asylum Chamber)

Appeal No: UI-2022-002145  
PA/54348/2021; IA/13013/2021

**THE IMMIGRATION ACTS**

Decided at Field House  
On 02 December 2022

Decision & Reasons Promulgated  
On the 3<sup>rd</sup> January 2023

Before:

UPPER TRIBUNAL JUDGE GILL

Between

G H (Ethiopia)  
(ANONYMITY ORDER MADE)

**Appellant**

And

The Secretary of State for the Home Department

**Respondent**

**Anonymity**

I make an order under r.14(1) of the Tribunal Procedure (Upper Tribunal) Rules 2008 prohibiting the disclosure or publication of any matter likely to lead members of the public to identify the original appellant. No report of these proceedings shall directly or indirectly identify him. This direction applies to both the appellant and to the respondent and all other persons. Failure to comply with this direction could lead to contempt of court proceedings.

The parties at liberty to apply to discharge this order, with reasons.

I make this order because this is a protection claim.

**DECISION**

1. By my decision granting permission signed on 18 August 2022 and sent to the parties on 31 August 2022, the Upper Tribunal notified the parties of its provisional view:

- (i) that, for the reasons given in the decision granting permission, the decision of Judge of the First-tier Tribunal Siddall should be set aside in its entirety and that the decision on the appellant's appeal should be re-made; and
  - (ii) that, if Judge Siddall's decision is set aside in its entirety, this appeal should be remitted to the First-tier Tribunal for the decision on the appeal to be re-made by a Judge of the First-tier Tribunal other than Judge Siddall and Judge Cruthers who refused the application to the First-tier Tribunal for permission to appeal.
2. In my decision granting permission, the parties were informed that the Upper Tribunal will proceed to issue a decision to give effect to its provisional view unless the parties objected, with reasons, by 4 pm on the fourteenth calendar day after the date of the Tribunal's notice.
3. To date, no response has been received from the appellant or from the respondent.
4. For the reasons given in the decision granting permission and the grounds of appeal, I am satisfied that the decision of Judge Siddall involved the making of errors on points of law such that the decision to dismiss the appeal falls to be set aside. I set aside the decision of Judge Siddall to dismiss the appeal.
5. For the reasons given in the decision granting permission, this appeal is remitted to the First-tier Tribunal for a Judge of that Tribunal other than Judge Siddall and Judge Cruthers to re-make the decision on the appellant's appeal on all issues on the merits.

### **Notice of Decision**

The decision of Judge of the First-tier Tribunal Siddall involved the making of errors on points of law such that the decision is set aside. This case is remitted to the First-tier Tribunal for the decision on the appellant's appeal to be re-made on all issues on the merits, by a judge other than Judge of the First-tier Tribunal Siddall and Judge Cruthers.

Upper Tribunal Judge Gill

Date: 2 December 2022

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### **NOTIFICATION OF APPEAL RIGHTS**

1. A person seeking permission to appeal against this decision must make a written application to the Upper Tribunal. Any such application must be **received** by the Upper Tribunal within the **appropriate period** after this decision was **sent** to the person making the application. The appropriate period varies, as follows, according to the location of the individual and the way in which the Upper Tribunal's decision was sent:
2. Where the person who appealed to the First-tier Tribunal is **in the United Kingdom** at the time that the application for permission to appeal is made, and is not in detention under the Immigration Acts, the appropriate period is **12 working days (10 working days, if the notice of decision is sent electronically)**.
3. Where the person making the application is in detention under the Immigration Acts, **the appropriate period is 7 working days (5 working days, if the notice of decision is sent electronically)**.

4. Where the person who appealed to the First-tier Tribunal is **outside the United Kingdom** at the time that the application for permission to appeal is made, the appropriate period is **38 days (10 working days, if the notice of decision is sent electronically)**.
5. A “working day” means any day except a Saturday or a Sunday, Christmas Day, Good Friday or a bank holiday.
6. The date when the decision is “sent’ is that appearing on the covering letter or covering email.