



Upper Tribunal
(Immigration and Asylum Chamber)

Appeal Numbers: HU/11155/2015

THE IMMIGRATION ACTS

On the papers
4 December 2017

Decision & Reasons Promulgated
8 December 2017

Before

UPPER TRIBUNAL JUDGE FRANCES

Between

K A A
(ANONYMITY DIRECTION MADE)

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

DECISION AND DIRECTIONS

1. The Appellant is a citizen of the Philippines. She appeals against the decision of First-tier Tribunal Judge Telford dated 16 March 2017 dismissing her appeal against the refusal of leave to remain on Article 8 grounds.
2. Permission to appeal was granted by First-tier Tribunal Judge Pooler on 17 October 2017 on the grounds that the judge misdirected himself in law and failed to take into account material matters.
3. In the Rule 24 response the Respondent accepted that the judge had erred in law and that the decision should be set aside and remitted for hearing *de novo*. The Appellant agreed to this course of action by letter dated 4 December 2017

4. I have decided in accordance with paragraph 7.2 of the Practice Statements of 25th September 2012 that the decision dated 16 March 2017 should be set aside and the appeal remitted to the First-tier Tribunal. None of the judge's findings are preserved.

DIRECTIONS

- (i) The Tribunal is directed pursuant to section 12(3) of the Tribunals, Courts and Enforcement Act 2007 to reconsider the appeal at a hearing before a First-tier Tribunal Judge other than First-tier Tribunal Judge Telford.
- (ii) I direct that the Appellant serve on the Respondent and the Tribunal any further evidence and submissions at least 14 days before the hearing.
- (iii) The matter is listed before a First-tier Tribunal judge at the first available date.
- (iv) The Applicant to notify the Tribunal by 5 January 2018 if an interpreter is required.

J Frances

Signed

Date 4 December 2017

Upper Tribunal Judge Frances