



Upper Tribunal  
(Immigration and Asylum Chamber)

Appeal Numbers: HU/20126/2016  
HU/20128/2016

**THE IMMIGRATION ACTS**

Heard at Field House  
On 17<sup>th</sup> July 2018

Decision & Reasons Promulgated  
On 1<sup>st</sup> August 2018

Before

DEPUTY UPPER TRIBUNAL JUDGE DAVIDGE

Between

BAKRANIA GOPAL  
NISHIL ASHOK KUMAR PATEL  
(ANONYMITY DIRECTION NOT MADE)

Appellants

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

**Representation:**

For the Appellants: Mr R. Wilcox, instructed by Farani Taylor solicitors  
For the Respondent: Mr L. Tarlow, Senior Home Office Presenting Officer

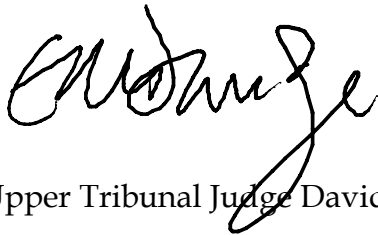
**Notice of Decision**

1. Rule 40(3) of the Tribunal Procedure (Upper Tribunal) Rules 2008 (SI 2008/2698 as amended) applies to this decision.
2. These appeals concern a Human rights claim. Both parties were agreed that the judge fell into error in terms of the standard and burden of proof set out at

paragraph 250 of the determination requiring the decision to be set aside with none of the factual findings to stand.

3. By consent the appeal to the Upper Tribunal is allowed as follows:
- (a) the First-tier Tribunal decision is affected by error of law.
  - (b) the First-tier Tribunal decision is set aside, with no factual findings preserved.
  - (c) the appeals are remitted to the First-tier Tribunal to be reheard de novo by a judge other than Judge Raymond.

Signed



Date 26 July 2018

Deputy Upper Tribunal Judge Davidge