



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

Appeal Number: PA/07333/2017

THE IMMIGRATION ACTS

**Determined at Field House without a
hearing
On 5 March 2019**

**Decision & Reasons
Promulgated
On 3 April 2019**

Before

UPPER TRIBUNAL JUDGE RINTOUL

Between

**T B
(ANONYMITY ORDER MADE)**

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

DECISION AND REASONS

1. On 15 February 2019 I gave the following directions: -
 - “1. In the light of the grant of permission by FtTJ Dineen and the rule 24 response dated 14 February 2019 accepting that there was procedural unfairness, I am of the provisional view that there is an error of law in the decision of the First-tier Tribunal such that the decision should be set aside. Having regard to paragraph 7.2 of the Practice Statements of the Immigration and Asylum Chambers of the First-tier Tribunal and the Upper Tribunal, I am also of the provisional view that the case remitted to the First-tier Tribunal for a fresh decision on all issues.
 2. In the absence of any written submissions to the contrary, which must be received by the Upper Tribunal within **7 days** of this permission decision being sent, the Upper Tribunal intends (without holding a

hearing) to set aside the decision of the First-tier Tribunal and to remake it by allowing the appeal.

2. There has been no response to these directions by either party but by a letter dated 14 February 2018, the respondent stated that he considered that the appeal should be remitted to the First-tier Tribunal and heard de novo.
3. Accordingly, I am satisfied that neither party objects to the matter being determined without a hearing and has nothing further to say. I am satisfied that that the determination of the First-tier Tribunal did involve the making of an error of law for the reasons set out above, and must therefore be set aside. In the circumstances, owing to a procedural unfairness, the appellant did not receive a fair hearing, and the appropriate course is to remit the appeal to the First-tier Tribunal for a fresh decision on all issues

Summary of conclusions

1. The determination of the First-tier Tribunal did involve the making of an error of law and I set it aside.
2. The appeal is remitted to the First-tier Tribunal for a fresh decision on all issues.

Signed

Date: 5 March 2019



Upper Tribunal Judge Rintoul