



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

Appeal Number: AA/17037/2010
AA/17227/2010
AA/17224/2010

THE IMMIGRATION ACTS

Determined at Field House

On 30th September 2013

**Determination
Promulgated**

On 1st October 2013

Before

UPPER TRIBUNAL JUDGE COKER

Between

VUSUMUZI ZACHARIAH NCUBE + 2

and

Appellant

SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

DETERMINATION AND REASONS

1. An error of law was been found by DUTJ Hall on 31st July 2012 in these three appeals such that the determinations of First-tier Tribunal Judge Trotter were set aside to be remade; no findings of fact retained.
2. DUTJ Hall directed that the resumed hearing be listed before him. Having reviewed these files and in the light of the direction that no findings of fact are to be retained with a full rehearing I propose, in accordance with the Practice Statement dated 25th September 2012 of the Immigration and Asylum Chamber First-tier Tribunal and Upper Tribunal which states:

7.2 The Upper Tribunal is likely on each such occasion to proceed to re-make the decision, instead of remitting the case to the First-tier Tribunal, unless the Upper Tribunal is satisfied that:

(a) the effect of the error has been to deprive a party before the First-tier Tribunal of a fair hearing or other opportunity for that party's case to be put to and considered by the First-tier Tribunal; or

(b) the nature or extent of any judicial fact finding which is necessary in order for the decision in the appeal to be re-made is such that, having regard to the overriding objective in rule 2, it is appropriate to remit the case to the First-tier Tribunal.

to remit these appeals for hearing before the First-tier Tribunal.

3. No objections having been received from either party I am satisfied that in the circumstances of these particular appeals the proper course is for them to be remitted to the First-tier Tribunal for full hearing.

Conclusions:

The making of the decision of the First-tier Tribunal did involve the making of an error on a point of law.

I set aside the decisions and remit the appeals to the First-tier Tribunal for rehearing.

Date 30th September 2013

Judge of the Upper Tribunal Coker