



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

Appeal Number: IA/31910/2013
IA/31911/2013

THE IMMIGRATION ACTS

Decided at : Field House

On : 30 January 2014

**Determination
Promulgated**

On: 31 January 2014

Before

UPPER TRIBUNAL JUDGE KEBEDE

Between

**PARVEZ IQBAL BUTT
TAYYIBA PARVEZ**

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and

SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

DETERMINATION AND REASONS

1. In a determination promulgated on 4 November 2013 First-tier Tribunal Judge McGinty found that the appellants' appeals against the respondent's decisions of 9 July 2013 to refuse their applications for leave to remain in the United Kingdom were invalid, on the grounds that the decisions were not "immigration decisions" giving rise to a right of

appeal under section 82 of the Nationality, Immigration and Asylum Act 2002.

2. Permission was granted to the appellants on 18 December 2013 to appeal against the First-tier Tribunal's decision, in regard to the question of jurisdiction. In a Rule 24 response dated 3 January 2014 the respondent accepted that the decisions of 9 July 2013 did give rise to a right of appeal under section 82 of the 2002 Act.
3. Accordingly, I made the following directions on 15 January 2014:
 - "1. In light of the concession made by the respondent in the Rule 24 response of 3 January 2014 with respect to an error of law in the First-tier Tribunal's conclusion as to jurisdiction, the Tribunal is minded under rule 34 of the Tribunal Procedure (Upper Tribunal) Rules 2008 (and compatibly with Practice Statement 7) to set aside the determination of First-tier Tribunal Judge McGinty and to remit the appeal to the First-tier Tribunal to be considered afresh.
 2. Any objection to this proposed course must be made to the Upper Tribunal in writing, giving reasons, not later than 14 days from the date these directions are sent out. In the absence of any reasonable response, within that time, the Upper Tribunal may then proceed to set aside the First-tier Tribunal's decision and remit the case to the First-tier Tribunal. "
4. No response has been received from either party and thus there has been no objection by the respondent to the proposed course stated.
5. In the circumstances, for the reasons set out in the grant of permission and directions as referred to above, I set aside Judge McGinty's decision and remit the case to the First-tier Tribunal.

DECISION

6. The decision of the First-tier Tribunal is set aside. The appeal is remitted to the First-tier Tribunal, to be dealt with afresh, pursuant to section 12(2)(b)(i) of the Tribunals, Courts and Enforcement Act 2007 and Practice Statement 7.2(a), before any judge aside from Judge McGinty.

Signed
Date

Upper Tribunal Judge Kebede