



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

Appeal Number: IA/29535/2014
IA/29579/2014
IA/29588/2014
IA/29595/2014
IA/29598/2014

THE IMMIGRATION ACTS

**Heard at Field House
On 18th October 2015**

**Decision & Reasons Promulgated
On 21st December 2015**

Before

**UPPER TRIBUNAL JUDGE COKER
DEPUTY UPPER TRIBUNAL JUDGE SAINI**

Between

**MMAA
SA
UAA
AMAA
AAA**

Appellants

and

SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Mr M Blundell, Counsel instructed by UK Migration
Lawyers

For the Respondent: Mr N Bramble, Senior Presenting Officer

DECISION AND REASONS

1. This matter comes before us as a consequence of a previous Error of Law Decision and Reasons finding that the decision of First-tier Tribunal Judge Braybrook contained a material error of law and that her findings should be set aside.
2. The Appellants request that their appeals be remitted to the First-tier Tribunal. The Secretary of State does not oppose that request. The Practice Statement dated 25 September 2012 of the Immigration and Asylum Chamber First-tier Tribunal and Upper Tribunal states as follows at paragraph 7.2:

‘7.2 The Upper Tribunal is likely on each such occasion to proceed to remake 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.’
3. Pursuant to the Practice Statement, we are satisfied that the nature and extent of judicial fact-finding in the re-making of this appeal is such that, having regard to the overriding objective in rule 2, it is appropriate to remit the appeals to the First-tier Tribunal.
4. The appeals are hereby remitted to the First-tier Tribunal, to be heard by a judge of the First-tier Tribunal other than Judge Braybrook.

Signed

Date

Deputy Upper Tribunal Judge Saini