



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

Appeal Number: AA/02091/2015
AA/02142/2015
AA/02143/2015

THE IMMIGRATION ACTS

**Heard at Birmingham Centre City Tower
On 14th April 2016**

**Decision and Reasons Promulgated
On 27th April 2016**

Before

UPPER TRIBUNAL JUDGE COKER

Between

**S D D V + 2
(Anonymity order made)**

Appellant

And

SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Mr S Chelvan, counsel, instructed by TRP solicitors
For the Respondent: Mr M Diwnycz, Senior Home Office Presenting Officer

DETERMINATION AND REASONS

INSERT ANONYMITY

1. In a decision promulgated on 5th May 2015, First-tier Tribunal judge Stott dismissed the appellants' appeals on refugee and human rights grounds against

the decision dated 16th January 2015 to remove them from the UK. Permission to appeal that decision was granted on 18th August 2015.

2. Before me Mr Diwyncz stated that he concurred with Mr Chelvan that there were material errors of law in the decision of the First-tier Tribunal judge as set out in the grounds seeking permission and thus that the decision should be set aside and remitted to the First-tier Tribunal to be heard afresh, no findings preserved. I am satisfied in the light of the grounds and the First-tier Tribunal decision that this was a correct concession by Mr Diwyncz.
3. Accordingly, I set aside the decision.

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 decision and remit the appeal to the First-tier Tribunal for rehearing.

Consequential Directions

The matter to be remitted to Birmingham IAC First-tier Tribunal to be heard by a judge other than Judge Stott.

A Spanish (South American) interpreter required.

Time estimate 2 hours.

When listing please liaise with Counsel's clerk – No 5 Chambers



Date 14th April 2016

Upper Tribunal Judge Coker