



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

Appeal Number: IA/50652/2014
IA/50653/2014

THE IMMIGRATION ACTS

**Heard at Field House
On 25 February 2016**

**Decision and Reasons
Promulgated
On 9 March 2016**

Before

DEPUTY JUDGE DRABU CBE

**Between
MR HASSAN ATTIQUE &
MISS MITALY DEY**

Appellants

and

SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellants: Mr M Iqbal of Counsel instructed by Britain Solicitors.

For the Respondent: Mr I Jarvis, Senior Presenting Officer.

DECISION AND REASONS

1. The first appellant is a national of Pakistan and the second is a citizen of Bangladesh. Their appeals against the decision of the respondent dated 1 December 2014 refusing to grant them leave to remain as Tier 1 (Entrepreneur) Migrant were dismissed by First tier Tribunal Judge Howard following a hearing at Richmond on 26 June for reasons he has given on 9 September 2015. The appellants sought and were granted permission to appeal to the Upper Tribunal by Judge Pooler of the First Tier Tribunal on 19 January 2016 in his written determination.

2. At the hearing Tribunal before me Mr Jarvis representing the respondent quite properly conceded that the decision of the First tier Tribunal is unsustainable as Judge Howard had failed to engage with the evidence that had been placed before him. Mr Iqbal of counsel the appellant's representative agreed and the parties asked that the case be remitted to the First tier Tribunal for a fresh hearing. Having read the determination of Judge Howard I was satisfied that the proposed outcome of the appeal before me and the future course of action accorded with my own view.
3. These appeals are allowed and remitted to the First tier to be heard afresh by any Judge other than Judge Howard.
4. I would like to request the First tier Tribunal to use its best endeavours to list these appeals at the earliest as the appellants have been in a limbo for a long time and the nature of the claims demand an early resolution.

K Drabu CBE
Deputy Judge of the Upper Tribunal.
27 February 2016