



Upper Tribunal
(Immigration and Asylum Chamber)

Appeal numbers: EA / 02499 / 2017

THE IMMIGRATION ACTS

On 11 September 2017

Decision & Reasons Promulgated
On 12 September 2017

Before

Upper Tribunal Judge Gill

Between

Kevin Nnamdi Nnanna Okereke

Appellant

And

The Secretary of State for the Home Department

Respondent

DECISION TO SET ASIDE
And DIRECTIONS TO PARTIES

Decision to set aside

1. By way of my decision granting permission signed on 16 August 2017 and sent to the parties under cover of a notice ref: IA102 dated 17 August 2017, the Upper Tribunal notified the parties of its proposal to set aside the decision of Judge of the First-tier Tribunal Butler in its entirety and remit the appeal to the First-tier Tribunal for a Judge of that Tribunal other than Judge Butler and Designated Judge Shaerf to re-make the decision on the appellant's appeal. The reasons for the proposal were set out in the decision granting permission.
2. In my decision granting permission, the parties were informed that the Upper Tribunal will proceed to issue a decision to give effect to its proposal unless the parties objected, with reasons, by 4 pm on the 14th calendar day after the date of the Tribunal's notice.
3. To date, no response has been received from the appellant.
4. By a letter dated 31 August 2017, the respondent informed the Upper Tribunal that she did not oppose the appellant's application for permission to appeal and invited

the Upper Tribunal to determine the appeal with a fresh hearing in the First-tier Tribunal.

5. In the circumstances, I am satisfied that the decision of Judge Butler involved the making of an error on a point of law such that it falls to be set aside in its entirety. I set it aside in its entirety. The reasons for my decision are given in the decision granting permission to appeal. For the reasons given in the same notice, this case is remitted to the First-tier Tribunal for a Judge of that Tribunal other than Judge Butler and Designated Judge Shaerf to re-make the decision on the appellant's appeal.

Notice of Decision

The decision of the First-tier Tribunal involved the making of errors on points of law such that the decision is set aside in its entirety. This case is remitted to the First-tier Tribunal for the decision on the appellant's appeal to be re-made on the merits on all issues by a judge other than Judge of the First-tier Tribunal Butler and Designated Judge Shaerf.



Signed
Upper Tribunal Judge Gill

Date: 11 September 2017