



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

Appeal Number: HU/04782/2015

**THE IMMIGRATION ACTS**

**Determined at Field House without a  
hearing  
On 3 October 2017**

**Decision &  
Promulgated  
On 5 October 2017**

**Reasons**

**Before**

**UPPER TRIBUNAL JUDGE RINTOUL**

**Between**

**MOHAMED IRFAN HUSEIN MALEK  
(NO ANONYMITY ORDER MADE)**

Appellant

**and**

**THE SECRETARY OF STATE FOR THE HOME DEPARTMENT**

Respondent

**DECISION AND REASONS**

1. On 7 September 2017 I gave the following directions:-
  1. Having had regard to the decision of the First-tier Tribunal, and the grounds upon which permission to appeal was granted; and, having had regard to the rule 24 response from the respondent, it is my preliminary view that the decision of the First-tier Tribunal involved the making of an error of law in that Judge Majid erred in failing to make any proper findings of fact, and failed properly to direct himself in law.
  2. It is therefore my preliminary view that the decision of the First-tier Tribunal should be set aside and that the appropriate course of action would be to

remit the case to the First-tier Tribunal for a fresh determination on all issues.

3. Unless within ten working days of the issue of these directions there is any written objection to this course of action, supported by cogent argument, the Upper Tribunal will proceed to determine the appeal without an oral hearing and will remit it to the First-tier Tribunal.
4. In the absence of a timely response by a party, it will be presumed that it has no objection to the course of action proposed
2. There has been no response to these directions by either party. Accordingly, I am satisfied that neither party objects to the matter being determined without a hearing and has nothing further to say. I am satisfied that that the determination of the First-tier Tribunal did involve the making of an error of law for the reasons set out above, and must therefore be set aside. Given the nature of the error, I remit the appeal to the First-tier Tribunal for a fresh determination on all issues.

**Summary of conclusions**

1. The determination of the First-tier Tribunal did involve the making of an error of law and I set it aside.
2. I remit the decision to the First-tier Tribunal for a fresh decision on all issues
3. The appeal must not be before First-tier Tribunal Judge Majid

Signed

Date: 3 October 2017



Upper Tribunal Judge Rintoul