



Upper Tribunal
(Immigration and Asylum
Chamber)

Appeal Number: IA/31095/2015

THE IMMIGRATION ACTS

Heard at: Field House
On: 20 September 2017

Decision and Reasons Promulgated
On : 17 October 2017

Before

DEPUTY UPPER TRIBUNAL JUDGE MAILER

Between

N A
(ANONYMITY DIRECTION MADE)

Appellant

and

SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation

For the Appellant: Ms A Jones, instructed by Connaughts Solicitors
For the Respondent: Mr T Melvin, Senior Home Office Presenting Officer

DECISION AND REASONS

1. On 13 July 2017 I found that the decision of the First-tier tribunal involved the making of a material error of law for reasons set out in my decision. I set aside the decision directing that it would be re-made at a continuance hearing in the Upper Tribunal. I gave directions to the appellant's solicitors.
2. When the appeal came before me on 20 September 2017 no further evidence had been produced.
3. The appellant commenced his evidence. During the course of his cross examination Mr Melvin asked the appellant a series of relevant questions. The appellant struggled to recall matters that had occurred between 2011 and 2015. The appellant referred to documents which had not been produced.

4. No chronology was prepared with the result that the appellant struggled for over an hour to recall matters which related to the period 2011 to 2015. It was understandable that he had difficulty. He also referred to documents in support of his case which had not been produced.
5. Mr Melvin and Ms Jones both eventually agreed that there had not been a proper preparation of the case. The solicitors had produced no evidence or statement in an attempt to deal with the history of the association with the two colleges and the ETS.
6. The representatives then agreed that in the circumstances it was appropriate for the appeal to be remitted to the First-tier Tribunal for hearing. The case could be dealt with at a CMR. Appropriate directions could be issued to the appellant's solicitors to file and produce all the necessary evidence.
7. I am satisfied that the extent of judicial fact finding which is necessary in order for the decision to be re-made, is extensive. In the circumstances I find that it is just and fair to remit the case.

Notice of Decision

The decision of the First-tier Tribunal involved the making of an error on a point of law which was set aside.

The appeal is remitted to the First Tier Tribunal for a fresh decision to be made.

Anonymity direction continued.

Signed

Date 15 October 2017

Deputy Upper Tribunal Judge C R Mailer