



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

Appeal Number: PA/12143/2017

THE IMMIGRATION ACTS

**Determined at Field House without a
hearing
On 3 December 2019**

**Decision & Reasons
Promulgated
On 4 December 2019**

Before

UPPER TRIBUNAL JUDGE RINTOUL

Between

A Y

(ANONYMITY ORDER MADE)

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

DECISION AND REASONS

- 1.** On 11 November 2019 I gave the following directions:-
 1. Having had regard to the decision of the First-tier Tribunal, and the grounds of challenge upon which permission was granted, it is my preliminary view that the First-tier Tribunal erred:
 - (1) with respect to his approach to the Article 8 case and permitted a procedural error amounting to an error of law: and
 - (2) in his approach to credibility, making contrary findings as is averred in the grounds at 3 (b) and (d), the latter resulting from a manifest factual error by the judge.
 2. In the circumstances, and given that the (2) goes to the core of the claim, it is my preliminary view that the decision of the First-

tier Tribunal should be set aside on the basis that it involved the making of an error of law and that the appropriate course of action would be to remit the appeal to the First-tier Tribunal for a fresh decision 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.** On 2 December 2019, the respondent wrote to the Upper Tribunal stating that they accept that the decision of the First-tier Tribunal involved the making of an error of law.
- 3.** In the circumstances, I am satisfied that the decision of the First-tier Tribunal did involve the making of an error of law and I set it aside. I remit the decision to the First-tier Tribunal.

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 hearing on all grounds. For the avoidance of doubt none of the findings it made are preserved.

Signed

Date: 3 December 2019



Upper Tribunal Judge Rintoul