



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

**Appeal Number: HU/07909/2019 (P)**

**The immigration Acts**

**Decision Under Rule 34 Without a hearing  
On 27<sup>th</sup> October 2020**

**Decision & Reasons Promulgated  
On 30<sup>th</sup> October 2020**

Before

Upper Tribunal Judge Gill

Between

Bhuwani Prasad Thebe  
**(Anonymity Order not made)**

Appellant

And

The Secretary of State for the Home Department

Respondent

**DECISION**

1. By my decision granting permission signed on 10 August 2020 and sent to the parties under cover of a notice (IA102) dated 10 September 2020, the Upper Tribunal notified the parties of its provisional view:
  - (i) that, for the reasons given in the decision granting permission, the decision of Judge of the First-tier Tribunal Abebrese should be set aside in its entirety and that the decision on the appellant's appeal should be re-made; and
  - (ii) that, if Judge Abebrese's decision is set aside in its entirety, this appeal should be remitted to the First-tier Tribunal for the decision on the appeal to be re-made by a Judge of the First-tier Tribunal other than Judge Abebrese and Judge Easterman who refused the application to the First-tier Tribunal for permission to appeal.

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 provisional view unless the parties objected, with reasons, by 4 pm on the fourteenth calendar day after the date of the Tribunal's notice.
3. To date, no response has been received from the appellant or from the respondent.
4. For the reasons given in the decision granting permission and the grounds of appeal, I am satisfied that the decision of Judge Abebrese involved the making of errors on points of law such that the decision to dismiss the appeal falls to be set aside. I set aside the decision of Judge Abebrese to dismiss the appeal.
5. For the reasons given in the decision granting permission, this appeal is remitted to the First-tier Tribunal for a Judge of that Tribunal other than Judge Abebrese and Judge Easterman to re-make the decision on the appellant's appeal on all issues on the merits.

### **Notice of Decision**

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

Upper Tribunal Judge Gill

Date: 27 October 2020

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### **NOTIFICATION OF APPEAL RIGHTS**

1. A person seeking permission to appeal against this decision must make a written application to the Upper Tribunal. Any such application must be **received** by the Upper Tribunal within the **appropriate period** after this decision was **sent** to the person making the application. The appropriate period varies, as follows, according to the location of the individual and the way in which the Upper Tribunal's decision was sent:
2. Where the person who appealed to the First-tier Tribunal is **in the United Kingdom** at the time that the application for permission to appeal is made, and is not in detention under the Immigration Acts, the appropriate period is **12 working days (10 working days, if the notice of decision is sent electronically)**.
3. Where the person making the application is in detention under the Immigration Acts, **the appropriate period is 7 working days (5 working days, if the notice of decision is sent electronically)**.
4. Where the person who appealed to the First-tier Tribunal is **outside the United Kingdom** at the time that the application for permission to appeal is made, the appropriate period is **38 days (10 working days, if the notice of decision is sent electronically)**.
5. A "working day" means any day except a Saturday or a Sunday, Christmas Day, Good Friday or a bank holiday.
6. The date when the decision is "sent" is that appearing on the covering letter or covering email.