



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

HU/24562/2018 (P)

THE IMMIGRATION ACTS

Decided under rule 34

Decision & Reasons
Promulgated

On 1 October 2020

Before

UPPER TRIBUNAL JUDGE MACLEMAN

Between

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Appellant

and

DENZEL MAPOSA

Respondent

DETERMINATION

1. Parties are as above, but the rest of this determination refers to them as they were in the FtT.
2. The appellant is a citizen of Zimbabwe, born on 1 October 1998. FtT Judge Page allowed his appeal against deportation by a decision promulgated on 30 December 2019.

3. This determination is to be read as incorporating my decision issued on 7 July 2020, setting aside the decision of Judge Page, and seeking submissions about the further procedure which should be adopted.
4. In a response dated 20 July 2020, the SSHD suggests that the appeal might be resolved by a remote hearing in the UT “in absence of any further submissions for the appellant or any request to submit further evidence”.
5. In a response dated 21 July 2020, the appellant says that a fresh assessment is required, based on further evidence to be led, including evidence from the appellant, his family and his partner; and that the extent of fact-finding required is such that it is appropriate to remit to the FtT.
6. Taking account of both submissions, I accept that the nature of this case is such that it is appropriate under section 12 of the 2007 Act, and under Practice Statement 7.2, to remit to the FtT for an entirely fresh hearing.
7. While I make no further direction, parties may wish to make representations to the FtT on the format of that hearing.
8. The member(s) of the FtT chosen to consider the case are not to include Judge Page.
9. No anonymity direction has been requested or made.



UT Judge Macleman
28 September 2020

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.