



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

Appeal Number: AA/05789/2013

THE IMMIGRATION ACTS

Heard at Field House

**Determination
Promulgated**

On 23 October 2013

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Before

**THE PRESIDENT, THE HON MR JUSTICE MCCLOSKEY
UPPER TRIBUNAL JUDGE LATTER**

Between

MR SRIRAM THIRUVAMPALAMAYAM

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

Appellant: Mr Derana, Liyon Legal Ltd

Respondent: Mr Cooper, Home Office Presenting Officer

DETERMINATION

- 1.** Very properly, there is no objection on behalf of the Respondent, the Secretary of State of the Home Department, to an order of this Tribunal setting aside the decision of the First-tier Tribunal as erroneous in law and

we so order. The operative error of law consists of the judge's failure to properly consider the medical evidence.

2. Secondly, we exercise our power under rule 15 of the Procedural Rules to admit the fresh evidence contained in the Appellant's bundle.
3. Having taking into account the significant alteration in the framework and content of the Appellant's case, the nature and impact of the error of law and the Practice Statement, we have determined that as regards the remaking of the decision it would be more appropriate to remit the appeal to the First- tier Tribunal. Accordingly we remit the matter to a differently constituted First-tier Tribunal.
4. We give no procedural directions, leaving this to the First-tier Tribunal.

Decision

5. We set aside the determination of the First-tier Tribunal and allow the appeal to the extent of remitting the matter to that forum for the purpose of remaking the decision.

Signed :

Date: 5 December 2013

Seamus McCloskey

Mr Justice McCloskey
The President