



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

Appeal Number: AA/04995/2011

**THE IMMIGRATION ACTS**

**Heard at Field House**

**On 22 January 2014  
Delivered orally**

**Determination  
Promulgated  
On 23 January 2014**

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**Before**

**UPPER TRIBUNAL JUDGE GOLDSTEIN**

**Between**

**EHSAN KABIRI**

Appellant

**and**

**THE SECRETARY OF STATE FOR THE HOME DEPARTMENT**

Respondent

**Representation:**

For the Appellant: Mr J Nicholson, Counsel, instructed by Messrs Jackson & Canter, Solicitors

For the Respondent: Mr I Jarvis, Home Office Presenting Officer

## **DETERMINATION AND REASONS**

1. I note that the determination of the First-tier Tribunal has been set aside for error of law and by consent and at the request of the parties and in accordance with the provisions of Rules 39 and 40(3) of the Tribunal Procedure (Upper Tribunal) Rules 2008, I remit the decision of the appeal to be reconsidered by the First-tier Tribunal at Taylor House, in its entirety without any findings of fact preserved.
2. It is apparent from the decision of Deputy Upper Tribunal Judge Hanbury, dated 14 October 2011, when setting aside the decision of the First-tier Tribunal for error of law, that as agreed with the parties, there are highly compelling reasons falling within the provisions of paragraph 7.2(b) of the Senior President's Practice Statement as to why the decision should not be made by the Upper Tribunal and that it is clearly in the interests of justice that the appeal of the Appellant be heard afresh in the First-tier Tribunal.

### **Decision**

3. The First-tier Tribunal erred in law such that its decision should be set aside. I remit the remaking of the decision to the First-tier Tribunal at Taylor House to be heard before a First-tier Tribunal Judge other than First-tier Judge De Haney or Deputy Upper Tribunal Judge Hanbury, on 2 May 2014. The hearing is to have a time estimate of three hours. I am told there will be three witnesses including the Appellant and that for this purpose an interpreter will be required in Farsi.

Signed

Date 22 January 2014

Upper Tribunal Judge Goldstein