



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

Appeal Number: DA/00411/2014

THE IMMIGRATION ACTS

**Field House
11th December 2014**

**Determination Promulgated
12th December 2014**

Before

UPPER TRIBUNAL JUDGE COKER

Between

SECRETARY OF STATE FOR THE HOME DEPARTMENT

Appellant

And

JORAM THUO

Respondent

Representation:

For the Appellant: Mr N Bramble, senior Home Office Presenting Officer
For the Respondent: Mr N Lawrence, counsel instructed by IMK solicitors

DETERMINATION AND REASONS

1. Upper Tribunal Judge C Lane held, in a determination promulgated following a hearing on 23rd September 2014 that the First-tier Tribunal judge had erred in law in dismissing an appeal against the decision to remove the appellant. Judge Lane directed that the matter be adjourned to a resumed hearing at which he expected to hear full argument on Article 8. No findings by the First-tier Tribunal were retained.
2. Due to unforeseen circumstances the resumed hearing has been significantly delayed and as a result the respondent and his partner require to give evidence

and submit further documentary evidence. It is also evident that since the coming into force of s117 of the Nationality Immigration and Asylum Act 2002 and s54A Borders, Citizenship and Immigration Act 2009, further evidence may be required.

3. Accordingly it was agreed by the parties that it was appropriate and in line with the Practice Statement dated 25th September 2012 of the Immigration and Asylum Chamber First-tier Tribunal and Upper Tribunal that this matter should be remitted to the First-tier Tribunal for hearing *de novo*.

Conclusions:

I remit this appeal to the First-tier Tribunal to be heard *de novo*.

Consequential Directions

To be listed for hearing by the First-tier Tribunal.

No findings preserved.

2 hours.

No interpreter.

2 witnesses.

Not before Judge A.D. Smith MBE. TD.

Date 11th December 2014

Upper Tribunal Judge Coker