



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

Appeal Numbers: AA/02518/2014

THE IMMIGRATION ACTS

**Decided at Field House
9 September 2015**

**Decision & Reasons Promulgated
11 September 2015**

Before

UPPER TRIBUNAL JUDGE DAWSON

Between

Mr Azardeen Thassen

Appellant

And

Secretary of State for the Home Department

Respondent

Representation:

For the Appellant:

For the Respondent:

DECISION AND REASONS

1. In a Decision dated 8 July 2015, Deputy Upper Tribunal Judge Murray gave her reasons for setting aside the decision of First-tier Tribunal Judge V A Osborne which was promulgated on 25 November 2014 with a Direction that the second stage hearing be before her or another Upper Tribunal Judge.
2. Pursuant to a Transfer Order dated 18 August 2015 the appeal was transferred to a differently constituted Tribunal and directions in the following terms were sent out to the parties:

DIRECTIONS

1. In a Decision sent to the parties on 14 August 2015, Deputy Upper Tribunal Judge Murray set aside the decision of First-tier Tribunal Judge V Osborne and gave her reasons for doing so.
 2. Pursuant to an Order dated 18 August 2015, the Appeal has been transferred to a differently constituted Tribunal.
 3. The Practice Statements for the Immigration and Asylum Chamber of the Upper Tribunal provide at paragraph 7 that the upper Tribunal is likely to proceed to re-make a decision where an error on a point of law has been found, instead of remitting the case to the First-tier Tribunal unless the Upper Tribunal is satisfied that:
 - (a) The effect of the error has been to deprive a party before the First-tier Tribunal of a fair hearing or other opportunity for that party's case to be put to and considered by the First-tier Tribunal; or
 - (b) The nature or extent of any judicial fact finding which is necessary in order for the decision in the appeal to be remade is such that having regard to the overriding objective in Rule 2, it is appropriate to remit the case to the First-tier Tribunal.
 4. In my view the extent of judicial fact finding that will be necessary makes it appropriate for the case to be remitted to the First-tier Tribunal. Accordingly, unless within 7 days from the date of the sending out of this memorandum and Directions by the parties provides reasoned objection to this course, I will remit the case to the First-tier Tribunal and allow the appeal in the Upper Tribunal on this basis.
3. There has been no response to the above Directions which were sent out on 25 August 2015. Accordingly, I remit the case to the First-tier Tribunal pursuant to Section 12(2)(b)(i) of the Tribunal's, Courts and Enforcement Act 2007 for its reconsideration. The member of the First-tier Tribunal to hear the case is not to be the same as the judge who made the Decision that has been set aside. None of the findings of the First-tier Tribunal is preserved.

Signed

Date 9 September 2015



Upper Tribunal Judge Dawson