



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

Appeal Number: IA/26998/2014

THE IMMIGRATION ACTS

**Heard at Field House
On 11th September 2015**

**Decision & Reasons Promulgated
On 23rd October 2015**

Before

DEPUTY UPPER TRIBUNAL JUDGE MANDALIA

Between

**MR. MICHAEL BRYAN ROSAS SURLA
(ANONYMITY DIRECTION NOT MADE)**

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: No appearance

For the Respondent: Miss A Fidiwala, Home Office Presenting Officer

DECISION AND REASONS

1. The appellant is a Philippine national who appealed to the First-tier Tribunal against a decision of the respondent dated 11th June 2014 refusing him leave to remain in the UK under the immigration rules. The appeal was heard by First-tier Tribunal Judge Majid on 10th March 2015 in the absence of the appellant, and was dismissed for the reasons set out in a decision promulgated on 10th March 2015.
2. Permission to appeal was granted on 13th May 2015 by First-tier Tribunal Judge Lambert who noted:

“...there is no basis for finding an arguable error of law in the decision to proceed in his absence.

The Appellant is unrepresented in this application. The remaining ground – absence of reference to standard of proof – is arguable but sadly inadequate to describe the catalogue of deficiency in this decision. It is unclear from the decision what issue or immigration rule was under consideration, let alone on what basis the judge dismissed the appeal. The Appellant can, like me, have had no idea at all why he had lost. There is a total absence of evidence related reasoning, amounting to a very obvious and material error of law.”

3. The respondent has filed a Rule 24 response, in which the respondent concedes that the determination is wholly unclear as to the issues, and as to why the appeal was dismissed. The respondent suggests that the matter be set down for a substantive hearing.
4. I have read the decision of First-tier Tribunal Judge Majid promulgated on 10th March 2014. The decision makes reference to the respondent’s refusal letter of 11th June 2014 and whilst the Judge notes at paragraph 3 of the decision, that he shall bear in mind the legal provisions of the relevant paragraphs of the immigration rules, he fails to identify the particular rules that he considered, or were in issue. Similarly, although at paragraph 8 of the decision he again makes reference to the immigration rules, he again fails to identify the relevant rules or the various issues that arise in the appeal. The decision fails to set out the issues, if any, that were considered by the Judge, or the evidence before the Tribunal. The decision is devoid of any proper reasoning at all, and it is unsurprising therefore that the respondent concedes the appeal before me.
5. I have no hesitation in finding that there is an error of law in the determination of the First-tier Tribunal. The determination of the First-tier Tribunal is set aside and the appeal remitted to be remade entirely *de novo* in the First-tier Tribunal.

Notice of Decision

6. The appeal is allowed and the appeal is remitted to the First-tier Tribunal for a fresh hearing of the appeal.
7. No anonymity direction is made.

Signed

Date

Deputy Upper Tribunal Judge Mandalia

TO THE RESPONDENT
FEE AWARD

Whilst the appeal before me has been allowed, the matter has been remitted to the First-tier Tribunal for a fresh hearing of the appeal and I make no fee award.

Signed

Date

Deputy Upper Tribunal Judge Mandalia