



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

Appeal Number: IA/11731/2015

**THE IMMIGRATION ACTS**

**Heard at Field House**

**On 17 May 2016**

**Decision &  
Promulgated  
On 7 June 2016**

**Reasons**

**Before**

**UPPER TRIBUNAL JUDGE MCGEACHY**

**Between**

**OLUWAFEMI SAMUEL ADESANYA**

Appellant

**and**

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

Respondent

**Representation:**

For the Appellant: Mr K Alim of Messrs Thoree & Co Solicitors

For the Respondent: Mr C Avery, Senior Presenting Officer

**DECISION AND DIRECTIONS**

1. The appellant, a citizen of Nigeria born on 17 September 1981, appealed against a decision of the respondent refusing him leave to remain under the Immigration (EEA) Regulations 2006 as amended. His appeal was heard by Judge of the First-tier Tribunal Majid and dismissed in a determination promulgated on 5 October 2015.

2. The grounds of appeal argued that there had been procedural unfairness in that the First-tier Judge had stated in the hearing that he was adjourning the appeal for the respondent to consider new evidence when in fact there was no new evidence and also that he had recorded that the appellant had adopted his witness statement when in fact he was not given any opportunity to do so. No relevant issues or law had been considered by the First-tier Judge in arriving at his decision and he had stated that he had upheld the respondent's adverse credibility allegation when no such allegation had been made.
3. In a Rule 24 statement Mr Kotas of the Presenting Officers' Unit accepted that there were material errors of law in the determination and invited the Tribunal to remit the case for a fresh hearing.
4. There are clear errors of law in the determination of the judge in the First-tier as set out in the grounds of appeal and the only appropriate action is to remit this appeal for a hearing afresh in the First-tier Tribunal.

### **Notice of Decision**

This appeal is remitted for hearing afresh in the First-tier Tribunal.

### **Directions**

The appeal will be heard afresh at Taylor House: Time estimate 2 hours.

Signed

Date

Upper Tribunal Judge McGeachy

7<sup>th</sup> June 2016