



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

Appeal Numbers: HU/09375/2017  
HU/09378/2017  
HU/09379/2017

**THE IMMIGRATION ACTS**

**No hearing  
29 November 2018**

**Decision & Reasons Promulgated  
7 December 2018**

**Before**

**MR C M G OCKELTON, VICE PRESIDENT**

**Between**

**AKHTAR [H]  
NAZEER [G]  
[S A]**

Appellants

**and**

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

Respondent

**DETERMINATION AND REASONS**

1. On 30 October 2018 I wrote to the parties as follows:

“In a Rule 24 response signed on behalf of the Secretary of State by Christopher Bates, is the following: -

“The respondent does not oppose the appellant’s application for permission to appeal and invites the Tribunal to determine the appeal with a fresh oral (continuance) hearing to consider whether the appellant satisfied the requirements of 276 ADE(1), or Art 8 outside the Immigration Rules.”

I have little idea what this is supposed to mean. Permission has been granted, as the respondent is evidently aware, so any opposition to the

application for permission is irrelevant. Further, the notion of “a fresh oral (continuance) hearing” is unknown to the Tribunal’s procedure.

On the assumption that the Secretary of State intends to concede the appeal to the Upper Tribunal I now propose to allow that appeal, set aside the determination of the First-tier Tribunal, and direct a further hearing before that Tribunal. Any submissions to the contrary will be considered if received within **21 days** of the date of this letter.”

2. No response has been received.
3. I now allow the appeal to this Tribunal, set aside the decision under appeal on the ground of error of law. I remit the appeal to the First-tier Tribunal and direct that it be determined afresh.

C. M. G. OCKELTON  
VICE PRESIDENT OF THE UPPER TRIBUNAL  
IMMIGRATION AND ASYLUM CHAMBER  
Date: 29 November 2018.