



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

Appeal Number: AA/05433/2015

THE IMMIGRATION ACTS

**Heard at Field House
On 26 April 2019**

**Decision & Reasons Promulgated
On 2 May 2019**

Before

UPPER TRIBUNAL JUDGE O'CONNOR

Between

**MD RASEL SIKDER
(ANONYMITY DIRECTION NOT MADE)**

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Mr F. Hebtmariam, Anglia Immigration Law

For the Respondent: Ms A Everett, Senior Presenting Officer

DECISION AND REASONS

1. This appeal has a lengthy history. It was heard by the First-tier Tribunal as long ago as the 1 July 2015 and then by Deputy Upper Tribunal Judge Hall in January 2016. Most recently the Court of Appeal considered an appeal against the decision of DUTJ Hall and, by way of a decision given orally on 1st May 2018, set aside both the decision of the Upper Tribunal and that of the First-tier Tribunal. The Court of Appeal further directed that the appeal be remitted to the Upper Tribunal to be determined de novo. The order in this regard was sealed on 3 May 2018.
2. Since that time the Upper Tribunal has been seeking a copy of the judgment given by the Court of Appeal but alas this has proved elusive. As a consequence, a CMR was listed in the Upper Tribunal for 26 April 2019.

At the CMR Ms Everett provided a copy of what was said to be the oral judgment of the Court of Appeal. She was not able to identify the author of the document and could not attest to its accuracy, neither could Mr Habtemariam.

3. In all the circumstances, the parties agreed that given the length of time since the appeal was last heard and the Court of Appeal's direction that the re-making of the decision should be *de novo*, the most appropriate course is for this task to be undertaken in the First-tier Tribunal. I agree and I therefore remit this appeal to the First-tier Tribunal to be determined afresh.

Notice of Decision

This appeal is remitted to the First-tier Tribunal to be determined afresh. No previous findings are to stand.

Signed:

Mark O'Connor
Upper Tribunal Judge O'Connor

Date: 30 April 2019