



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

Appeal Number: HU/06806/2018

THE IMMIGRATION ACTS

**Heard at Field House
On 18 February 2019**

**Decision & Reasons
Promulgated
On 6 March 2019**

Before

DEPUTY UPPER TRIBUNAL JUDGE SHERIDAN

Between

**KYUNGHWAN CHA
(ANONYMITY DIRECTION NOT MADE)**

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Mr R Parkin of Counsel instructed by David Wyld & Co Solicitors

For the Respondent: Ms K Pal, Home Office Presenting Officer

DECISION AND REASONS

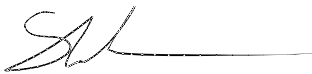
1. This is an appeal against the decision of Judge of the First-tier Tribunal Samimi that was promulgated on 8 November 2018.

2. At the start of the hearing both parties agreed that there had been an error of law and submitted that the appeal should be remitted to the First-tier Tribunal to be heard afresh. The reason there is agreement as to there having been an error of law is that the judge applied a version of paragraph 276B of the Immigration Rules that had been superseded and was not applicable.
3. I agree with the parties and therefore remit the appeal to the First-tier Tribunal to be heard afresh before a different judge.
4. No anonymity direction is made.

Decision

- a. The decision of the First-tier Tribunal contains a material error of law and is set aside.
- b. The appeal is remitted to the First-tier Tribunal to be heard afresh before a different judge.

Signed



Deputy Upper Tribunal Judge Sheridan Dated: 4 March 2019