



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

Appeal Number: PA/00506/2018

**THE IMMIGRATION ACTS**

**Heard at Field House  
On 3 April 2019**

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

**Before**

**DEPUTY UPPER TRIBUNAL JUDGE JORDAN**

**Between**

**MARSEL [H]**

Appellant

**and**

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

Respondent

Upon hearing Mr E. Nicholson on behalf of the appellant and Mr T. Melvin, Home Office Presenting Officer on behalf of the respondent

And upon being provided with a copy of Mr Nicholson's note of the Tribunal's oral determination given at the previous 'error of law' hearing on 19 December 2018 which says "It is going to have to go back to the First-tier Tribunal for root-and-branch reconsideration"

It is ordered

- (i) This appeal is remitted to the First-tier Tribunal for hearing *de novo*, and
- (ii) That the respondent's new evidence i.e. that handed to the appellant's counsel at the hearing on 19 December 2018 and that provided to the Upper Tribunal and copied to the appellant's representatives under cover of an email dated 1 April 2019 is admitted in evidence,

(iii) Paragraph 19 of the Upper Tribunal's determination of 25 January 2019 no longer stands.

Signed  
1 July 2019

ANDREW JORDAN  
DEPUTY UPPER TRIBUNAL JUDGE