



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

Appeal Number: DA/00253/2015 (V)

THE IMMIGRATION ACTS

**Heard at Field House by remote
hearing
On 21 October 2020**

Decision & Reasons Promulgated

On 22 October 2020

Before

MR C M G OCKELTON, VICE PRESIDENT

Between

A

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Mr D Jones, instructed by Irving & Co Solicitors.

For the Respondent: Mr R Palmer QC and Mr W Hays, instructed by
Government Legal Department.

DECISION AND REASONS

1. This appeal has been remitted to the Upper Tribunal by the Court of Appeal. The directions given by the Court were that the appeal be reheard by the Tribunal constituted differently from that which previously heard and decided the appeal in this matter.
2. The parties appeared before me by their representatives for a case management hearing on 21 October 2020. By their consent that hearing was treated as the hearing of the appeal to the Upper Tribunal.

3. By the consent of the parties and in the light of the information in the documents on file I find that the decision of the First-tier Tribunal was affected by error of law and I set it aside.
4. In my judgment this appeal is suitable for remittal to the First-tier Tribunal for a new decision to be made. My reasons, in short, are as follows. First, both of the sub-paragraphs of paragraph 7.2 of the Practice Statement apply to this appeal. Secondly, I am not persuaded that the terms of the remittal by the Court of Appeal impose any restriction on the Upper Tribunal's manner of disposal of this appeal.
5. I remit this appeal to the First-tier Tribunal and direct as follows: -
 - (i) The appeal against the Secretary of State's decision is to be determined afresh.
 - (ii) No judge who has had any dealings with this appeal in the past is to be involved in its redetermination.
 - (iii) The appeal is to be managed and listed in accordance with such directions as may be given by the President of the First-tier Tribunal (Immigration and Asylum Chamber) or, if direction (ii) has the effect of excluding him, by a judge specifically appointed by him for this purpose.
 - (iv) All anonymity and confidentiality orders previously made remain in force.
 - (v) Any further directions are to be sought from the First-tier Tribunal in accordance with direction (iii) above.

C.M.G. Ockelton

C. M. G. OCKELTON
VICE PRESIDENT OF THE UPPER TRIBUNAL
IMMIGRATION AND ASYLUM CHAMBER
Date: 21 October 2020