



IAC-FH-CK-V1

**Upper Tribunal
(Immigration and Asylum Chamber) Appeal Numbers: EA/04481/2019**

**EA/04480/2019
EA/04478/2019**

THE IMMIGRATION ACTS

**Decided under rule 34
On 28 September 2020**

**Decision & Reasons Promulgated
On 29 September 2020**

Before

UPPER TRIBUNAL JUDGE SHERIDAN

Between

**HIRA [C]
MEER [C
[M C]
(ANONYMITY DIRECTION NOT MADE)**

Appellants

and

SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation

For the Appellants: Fawad Law Associates

For the Respondent: Ian Jarvis, Senior Home Office Presenting Officer

DECISION AND REASONS

1. The appellants are appealing against a decision of Judge of the First-tier Tribunal Alis promulgated on 12 November 2019 dismissing their appeal made under the Immigration (European Economic Area) Regulations 2016.

2. On 27 March 2020, permission to appeal was granted on a procedural fairness point.
3. On 10 July 2020, directions were issued by the Upper Tribunal expressing the preliminary view that the error of law issue in this appeal could be determined without a hearing.
4. On 31 July 2020, Mr Jarvis, on behalf of the respondent, accepted that there had been procedural unfairness. He also stated that the consequence of the error was that a core issue in the appeal remained undecided.
5. In the light of the position of the respondent, I find that the decision of the First-tier Tribunal should be set aside on the basis that it involved the making of an error on a point of law. The nature of the accepted error is such that the appeal will need to be considered afresh with no findings preserved. Having regard to para. 7.2 of the Practice Statements of the Immigration and Asylum Chambers of the First-tier Tribunal and Upper Tribunal, I have decided that the appeal should be remitted to the First-tier Tribunal.

Notice of Decision

- a. The appeal is allowed.
- b. The decision of the First-tier Tribunal is set aside and the appeal is remitted to the First-tier Tribunal to be heard afresh by a different judge.

Signed

D. Sheridan

Upper Tribunal Judge Sheridan

Dated: 28 September 2020