



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

Appeal Number: PA/10439/2019 (P)

THE IMMIGRATION ACTS

No hearing

4 December 2020

**Decision & Reasons
Promulgated
On 15 December 2020**

Before

MR C M G OCKELTON, VICE PRESIDENT

Between

[A A]

and

Appellant

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

DECISION AND REMITTAL

1. Following directions in this case I have responses from both parties. The note of argument by Mr Winter is commendably clear; it is, however, unhelpfully and incorrectly described by Latta and Co as supporting only an application for permission to appeal. The letter from the Home Office is confused and, in particular in paragraph 3, incomprehensible. It is, however, accompanied by an email stating that “the SSHD has no objection to the matter being remitted to the FtT for a ‘*de novo*’ hearing” (which is not suggested in the letter itself, which seems to propose a different outcome altogether).
2. I am persuaded by Mr Winter and note that the Secretary of State does not oppose him. I set aside the decision of Judge Farrelly for error of law. I remit the appellant’s appeal to the First-tier Tribunal and direct that it be decided afresh.

C.M.G. Ockelton

C. M. G. OCKELTON
VICE PRESIDENT OF THE UPPER TRIBUNAL
IMMIGRATION AND ASYLUM CHAMBER
Date: 4 December 2020