



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

Appeal Number: PA/07027/2019

**THE IMMIGRATION ACTS**

**Determined without a hearing at Field  
House  
On 19 January 2021**

**Decision & Reasons  
Promulgated  
On 28 January 2021**

**Before**

**UPPER TRIBUNAL JUDGE PERKINS**

**Between:**

**M K S  
(ANONIMITY ORDER MADE)**

Appellant

**and**

**SECRETARY OF STATE FOR THE HOME DEPARTMENT**

Respondent

**DETERMINATION AND REASONS**

- 1) In a “Decision on Error of Law and Further Directions” issued on 19 November 2021 Upper Tribunal Judge Macleman determined that the First-tier Tribunal had erred in law and set aside its decision.
- 2) He also gave Directions inviting representation on the proper disposal of the appeal.
- 3) No such representations have been received from the Respondent.
- 4) The appellant has asked for the appeal to be determined again in the First-tier Tribunal.
- 5) Given that the basis for setting aside the decision of the First-tier Tribunal was that the First-tier Tribunal had determined unlawfully that the appellant was not entitled to apply for asylum and had not determined the merits, if any,

in his claim I see merit in remittal in order to keep open the appellant's rights of appeal. There has been no substantial consideration of the disputed facts in this appeal.

**Notice of Decision**

- 6) The decision having been set aside, I allow the appeal and direct that the appeal be determined again in the First-tier Tribunal.

Signed  
Judge of the Upper  
Tribunal

Jonathan Perkins

Dated 19 January 2021