



IN THE UPPER TRIBUNAL
IMMIGRATION AND ASYLUM
CHAMBER

Case No: UI-2023-005291

First-tier Tribunal No: EA/50023/2023
LE/00747/2023

THE IMMIGRATION ACTS

Decision and Reasons Issued:
On 27 August 2024

Before

UPPER TRIBUNAL JUDGE SHERIDAN

Between

AVINASH PUTHANPURAYIL CHANDRAN
(NO ANONYMITY DIRECTION MADE)

Appellant

and

Secretary of State for the Home Department

Respondent

Background

1. The appellant applied for permission to appeal against a decision of Judge of the First-tier Tribunal Alis dated 26 August 2023. The grounds argue that the decision involved the making of a material error of law and the case should be remitted to the First-tier Tribunal.
2. On 13 December 2023, the First-tier Tribunal granted permission to appeal.
3. The respondent filed a Rule 24 response stating that the respondent does not oppose the appellant's application for permission to appeal and inviting the Upper Tribunal to determine the appeal with a "fresh oral (continuance) hearing".
4. Although the respondent has accepted that the decision should be set aside, the question of whether the case should be remitted to the First-tier Tribunal or remain in the Upper Tribunal remains to be determined.
5. My preliminary view is that the matter should be remitted to the First-tier Tribunal as the main factual issues in dispute have not yet received adequate judicial consideration.
6. In the light of the above, the following decision and directions are made:

DECISION

7. In the light of the respondent's Rule 24 response, the decision of the First-tier Tribunal is set aside.

DIRECTIONS

- A. If the respondent maintains that the case should remain in the Upper Tribunal, the respondent must file and serve written submissions (giving reasons) to the Upper Tribunal within 14 days of this decision being sent.
- B. If the appellant disagrees with the respondent, a response must be filed within 7 days of receipt of the respondent's submissions.
- C. If the respondent does not file and serve submissions in accordance with para. A, the case will be remitted to the First-tier Tribunal to be heard afresh by a different judge with no findings preserved.

D. Sheridan
Upper Tribunal Judge Sheridan

Judge of the Upper Tribunal
Immigration and Asylum Chamber

21.3.2024