



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

Appeal Numbers: AA/11194/2013
AA/11195/2013
AA/11196/2013
AA/11197/2013
AA/11198/2013
AA/11206/2013

THE IMMIGRATION ACTS

Heard at : Field House

On : 16 April 2015

Determination

Promulgated

On 20 April 2015

Before

**UPPER TRIBUNAL JUDGE KEBEDE
DEPUTY UPPER TRIBUNAL JUDGE CHANA**

Between

**SNE (+5)
(ANONYMITY DIRECTION MADE)**

Appellants

and

SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Mr D Bazini, instructed by Lawrence & Co Solicitors

For the Respondent: Mr S Kandola, Senior Home Office Presenting Officer

DETERMINATION AND REASONS

1. The first appellant is a citizen of Afghanistan born in 1950 and is the husband of the second appellant and father to the third to sixth appellants. The

appellants claimed asylum on 20 December 2011. Their claims were refused on 6 December 2013 and they appealed against the decision to remove them from the United Kingdom.

2. The appellants' appeals were heard in the First-tier Tribunal on 16 July 2014 and were dismissed by First-tier Tribunal Judge Morris in a determination issued on 18 September 2014. Permission to appeal to the Upper Tribunal was sought by, and granted to, the appellants on 4 November 2014.

3. In an error of law decision dated 29 January 2015 Deputy Upper Tribunal Judge Chana found there to be material errors of law in the decision of First-tier Tribunal Judge R J N B Morris and set aside her decision in its entirety. She directed that the decision in the appeals be re-made at a resumed hearing in the Upper Tribunal at a date to be decided.

4. The appeals were listed for a resumed hearing before the Upper Tribunal on 16 April 2015. However, in light of submissions made on behalf of the appellants and in view of the request by the respondent for an adjournment of the proceedings, it was decided to convert the hearing to a Case Management Review Hearing.

5. At the Case Management Review Hearing submissions were made before us in regard to the re-making of the decision in the appeals. On the basis that First-tier Tribunal Judge Morris's decision had been set aside in its entirety and that there was to be a fresh hearing which may involve oral evidence from witnesses, and upon the application of Mr Bazini on behalf of the appellants, it was agreed that, contrary to the directions previously given, the appropriate course would be for the case to be remitted to the First-tier Tribunal.

DECISION

6. The making of the decision of the First-tier Tribunal involved the making of an error on a point of law. The decision is set aside. The appeal is remitted to the First-tier Tribunal, to be dealt with afresh, pursuant to section 12(2)(b)(i) of the Tribunals, Courts and Enforcement Act 2007 and Practice Statement 7.2(b), before any judge aside from Judge R J N B Morris.

Anonymity

Pursuant to Rule 14 of the Tribunal Procedure (Upper Tribunal) Rules 2008 (SI 2008/269) we make an anonymity order. Unless the Upper Tribunal or a Court directs otherwise, no report of these proceedings or any form of publication thereof shall directly or indirectly identify the original Appellants. This direction applies to, amongst others, all parties. Any failure to comply with this direction could give rise to contempt of court proceedings.

Signed
Upper Tribunal Judge Kebede