



Upper Tribunal
(Immigration and Asylum Chamber)

Appeal Number: DA/01174/2014

THE IMMIGRATION ACTS

Determined on the papers at Field House

Decision & Reasons Promulgated
On 16 July 2018

Before

UPPER TRIBUNAL JUDGE KING TD

Between

OP (JAMAICA)

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

DECISION AND REASONS

1. The appellant is a citizen of Jamaica. There is a decision by the respondent to deport him to Jamaica, he having been convicted of robbery in November 2012 and sentenced to a term of four years' imprisonment.
2. The appellant sought to appeal against that decision, which appeal came before the First-tier Tribunal (Judge Gibbs and Miss Singer) and by a determination promulgated on 1 December 2014 the appeal was allowed.
3. The Secretary of State sought to challenge that First-tier Tribunal decision and permission to do so was granted to the Upper Tribunal.

4. The matter came before Upper Tribunal Judge Martin on 20 February 2015 and in a determination dated 27 February 2015 she upheld the decision of the First-tier Tribunal and dismissed the Secretary of State's appeal to the Upper Tribunal.
5. Thereafter the Secretary of State sought to appeal to the Court of Appeal, and after a lengthy period the matter came before the Court of Appeal and the decision of the Court of Appeal is recorded in the case of **Secretary of State for the Home Department v OP (Jamaica) [2018] EWCA Civ 3**.
6. The court identified material errors both in the determination of the First-tier Tribunal and the Upper Tribunal and agreed that those determinations should be set aside. It also directed that the matter be remitted to the First-tier Tribunal for a re-hearing.
7. Accordingly and acting in the light of the decision of the Court of Appeal, the decision of the First-tier Tribunal is set aside as is that of the Upper Tribunal.
8. The appeal will be remitted to the First-tier Tribunal for a re-hearing. Any directions that are required will be for the First-tier Tribunal to issue and make.

Notice of Decision

In accordance with the ruling of the Court of Appeal the matter is remitted to the First-tier Tribunal for a re-hearing on all relevant issues.

Signed



Date 12 July 2018

Upper Tribunal Judge King TD