



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

Appeal Number: EA/06231/2017

THE IMMIGRATION ACTS

No hearing

On 16th October 2018

**Decision & Reasons
Promulgated
On 24th October 2018**

Before

MR C M G OCKELTON, VICE PRESIDENT

Between

ANTONIO GENCHI

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

DECISION AND REMITTAL

1. On 19 September I wrote to the parties in the following terms:

“I have reviewed the file in this case.

Permission to appeal was granted in the following reasons: -

“2. The grounds raise the issue of procedural unfairness and pointed to the fact that letters were sent to the wrong office despite the Tribunal being advised that the appellant had relocated to Glasgow and that her representatives were also now in Glasgow. Reliance is placed on a letter dated January 12, 2018 sent to the Tribunal service in which the representatives address as amended to reflect the fact the Glasgow office were now dealing with the case and updating the appellant’s address to 12 Strand Court Auchterarder PH3 1JE.

3. Contained on the file is an email dated May 17 in which copies of that letter are attached and there was also a letter dated May 4,

2018 advising the same error and an earlier letter dated April 26, 2018 which had been faxed to the Tribunal service in Glasgow requested that this appeal be listed alongside a connected appeal. This letter questioned why no date of hearing had been issued.

4. It is arguable the appellant may have been prevented from having a fair hearing. In the circumstances I also extend time.”

I propose without more ado to allow the appeal, set aside the determination of the First-tier Tribunal and direct a fresh hearing before that Tribunal. Any submissions to the contrary will be considered if received within **21 days** of the date of this letter.”

2. There has been no reply.
3. In these circumstances I set aside the determination of the First-tier Tribunal for error of law, and remit the appellant’s appeal for redetermination by the First-tier Tribunal.

C. M. G. OCKELTON
VICE PRESIDENT OF THE UPPER TRIBUNAL
IMMIGRATION AND ASYLUM CHAMBER
Date: 16 October 2018.