



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

Appeal Number: HU/22925/2016

**THE IMMIGRATION ACTS**

**No hearing  
24<sup>th</sup> September 2018**

**Decision sent out on  
10<sup>th</sup> October 2018**

**Before**

**MR C M G OCKELTON, VICE PRESIDENT**

**Between**

**SARADO ELMI SHARIF**

Appellant

**and**

**THE SECRETARY OF STATE FOR THE HOME DEPARTMENT**

Respondent

**DECISION AND REMITTAL**

1. In this case permission was granted partly on the basis that Judge Fox in the First-tier Tribunal said that there were “no new documents before me” whereas the appellant’s representative, a solicitor, had produced a 223-page bundle at the hearing, with a considerable number of important post-decision documents.
2. Following the grant of permission, Stefan Kotas on behalf of the Secretary of State has indicated his view that if that is so the failure to have regard to it was “arguably procedurally unfair, albeit through no fault of the judge”. I agree with the first element of that opinion, but not with the second.
3. Mr Kotas invites the Upper Tribunal to consider whether it is satisfied that the material was before Judge Fox and, if so, to remit the appeal. I am so satisfied. I set aside Judge Fox’s decision for error of law. I remit the appeal for fresh determination by the First-tier Tribunal.

C. M. G. OCKELTON  
VICE PRESIDENT OF THE UPPER TRIBUNAL  
IMMIGRATION AND ASYLUM CHAMBER  
Date: 24 September 2018.