



Upper Tribunal  
(Immigration and Asylum Chamber)

Appeal Number: PA/02697/2017

**THE IMMIGRATION ACTS**

Heard at Newport (Columbus House)  
On 18 September 2018

Decision and Reasons Promulgated  
On 20 September 2018

Before

UPPER TRIBUNAL JUDGE GRUBB

Between

STEPHEN [J]  
(anonymity direction not made)

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

**Representation:**

For the Appellant: Mr G Hodgetts, instructed by Duncan Lewis Solicitors

For the Respondent: Mr C Howells, Senior Home Office Presenting Officer

**NOTICE OF DECISION**

1. Both subparagraphs of rule 40(3) of the Tribunal Procedure (Upper Tribunal) Rules 2008 (SI 2008/2698 as amended) apply to this decision.
2. The decision of the First-tier Tribunal (Judge I D Boyes) sent out on 7 July 2018 is erroneous in law. I set it aside.
3. The appeal is remitted to be determined by the First-tier Tribunal *de novo* at an oral hearing by a judge other than Judge I D Boyes.

Signed

A Grubb  
Judge of the Upper Tribunal  
Date 18, September 2018