



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

Appeal Number: HU/05438/2017

THE IMMIGRATION ACTS

**Heard at Field House
On 17 December 2018**

**Decision & Reasons Promulgated
On 04 January 2019**

Before

UPPER TRIBUNAL JUDGE KOPIECZEK

Between

**ERIKSON REGIS ALVES ALEXANDRE
(anonymity direction not made)**

Appellant

and

SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Ms A. Smith, Counsel

For the Respondent: Mr N. Bramble, Senior Home Office Presenting Officer

**DECISION PURSUANT TO RULE 40(3)(a) OF THE TRIBUNAL PROCEDURE
(UPPER TRIBUNAL) RULES 2008**

1. The appellant, a citizen of Brazil, appealed to the First-tier Tribunal ("FtT") against a decision to refuse leave to remain as a (civil) partner. The FtT dismissed the appellant's appeal.
2. At the hearing before me on 17 December 2018 it was agreed between the parties that the FtT erred in law for the reasons given in the grant of permission to appeal to the Upper Tribunal ("UT"). It was also agreed between the parties that the errors of law are such as to require the

decision of the FtT to be set aside and for the appeal to be remitted to the FtT for a hearing *de novo*.

3. In the circumstances, and considering the decision of the FtT, the grounds of appeal in relation to its decision, the grant of permission, and all other relevant documentation, I set aside the decision of the FtT for error of law and remit the appeal to the FtT for a hearing *de novo* before a judge other than First-tier Tribunal Judge Geraint Jones with no findings of fact preserved.
4. In remitting the appeal I have had regard to paragraph 7.2 of the Practice Statement of the Senior President of Tribunals.
5. Although permission was granted on limited grounds, had the appellant renewed the application for permission in terms of the grounds upon which permission was refused, it may very well be that permission would have been granted on those grounds as well. I mention this to emphasise that the scope of the fresh hearing before the FtT is not limited; it is a complete re-hearing.
6. Pursuant to rule 40(3)(a) of the Tribunal Procedure (Upper Tribunal) Rules 2008, no reasons (or further reasons) are required, the decision being made with the consent of the parties.
7. A Portuguese interpreter will be required at the further hearing.

signed

Upper Tribunal Judge Kopieczek

dated 17/12/18