



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

Appeal Number: IA/27339/2014

THE IMMIGRATION ACTS

**Heard at Bradford
On the 24th July 2018**

**Decision & Reasons Promulgated
On the 09th August 2019**

Before

UPPER TRIBUNAL JUDGE REEDS

Between

**ZAKIA KHATOON
(NO ANONYMITY DIRECTION MADE)**

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Mr R. Jesurum instructed on behalf of the Appellant

For the Respondent: Ms R Petterson, Senior Presenting Officer

**DECISION PURSUANT TO RULE 39 OF THE TRIBUNAL PROCEDURE
(UPPER TRIBUNAL) RULES 2008**

1. The Appellant is a citizen of Pakistan.
2. The Appellant with permission, appeals against the decision of the First-tier Tribunal, who in a determination promulgated on 29th November 2018 dismissed her appeal against the decision of the Respondent to refuse her application for leave to remain on the basis of her family and private life made on the 24th November 2014.

3. The appeal was listed before the Upper Tribunal, permission having been granted by Deputy Upper Tribunal Judge Taylor on the 14th February 2019. There is a long and complicated litigation history which it is not necessary to set out for the purposes of this decision in the light of the agreement of the advocates as set out below.
4. At the hearing it was agreed by consent that the decision of the FtT demonstrated the making of an error on a point of law and that it should be set aside with an order remitting the appeal afresh to the FtT. There were a number of grounds relied upon by the appellant including the issue of procedural unfairness (ground 1) and the failure to consider evidence by the FtT (ground 2). It was agreed by the parties that ground 2 was made out in the light of the bundles of documentation being provided to the FtT prior to the promulgation of the decision and that this procedural irregularity undermined the decision as a whole and also went to the issue raised in ground 1.
5. Therefore by consent the parties agree that the FTT decision should be set aside and that the appeal should be remitted to the First-tier Tribunal for a fresh hearing. Both advocates agree that this appeal meets the criteria for a remittal given that there still remains a fact-finding exercise to be undertaken.
6. Mr Jesurum invited the Tribunal to make further directions. I am satisfied that upon remission of the appeal to the FtT in accordance with this decision, a paper case management hearing should take place. For that to be undertaken, the appellant's solicitors shall file and serve a schedule of issues to be determined by the FtT and set out any further directions which they consider should be made within 14 days of this order being made. The respondent shall file and serve any reply to that document and set out what directions are necessary for the appeal to be heard within 14 days after service of the appellant's document. The FtT will then consider this as a paper CMH or in the alternative list for a CMRH. I consider that the FtT will be best placed to deal with case management issues and do not find it necessary to make any further directions at this stage.
7. Having heard the advocates and considering Rule 39 of the Tribunal Procedure (Upper Tribunal) Rules 2008, I make an order in the terms set out considering it appropriate to do.

Decision:

The decision of the First-tier Tribunal involved the making of an error on a point of law. The decision is set aside and is remitted to the First-tier Tribunal.

Signed

Date: 24/7/2019

Upper Tribunal Judge Reeds