



**Upper Tribunal
(Immigration and Asylum Chamber) Appeal Number: HU/02042/2019
(P)**

THE IMMIGRATION ACTS

**Decided under Rule 34
On 28 October 2020**

**Decision & Reasons Promulgated
On 02 November 2020**

Before

UPPER TRIBUNAL JUDGE FRANCES

Between

**ABDI ISMAIL MOHAMED
(ANONYMITY DIRECTION NOT MADE)**

Appellant

and

ENTRY CLEARANCE OFFICER

Respondent

DECISION AND REASONS

1. The Appellant is a citizen of Somalia born on 2 August 1968. He appeals against the decision of First-tier Tribunal Judge J C Hamilton, promulgated on 13 November 2019, dismissing his appeal against the refusal of entry clearance on human rights grounds.
2. Permission to appeal was granted by Upper Tribunal Judge Kebede on 20 August 2020 on the ground it was arguable the judge failed to make findings on the evidence of two witnesses who gave oral evidence in support of the Appellant's case and failed to make findings of fact on parts of the evidence which were arguably material.
3. In her Rule 24 response, the Respondent did not oppose the Appellant's application and invited the Tribunal to determine the appeal with a fresh oral (continuance) hearing.

4. I find that the judge erred in law and I set aside the decision dated 13 November 2019 under Rule 43 of the Tribunal Procedure (Upper Tribunal) Rules 2008. None of the judge's findings are preserved. The appeal is remitted to the First-tier Tribunal for re-hearing.

Notice of decision

Appeal allowed

J Frances

Signed
Upper Tribunal Judge Frances

Date: 28 October 2020

TO THE RESPONDENT
FEE AWARD

As I have allowed the appeal and because a fee has been paid or is payable, I have considered making a fee award and have decided to make no fee award because the Appellant's appeal remains outstanding.

J Frances

Signed
Upper Tribunal Judge Frances

Date: 28 October 2020