



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

Appeal Number: HU/03330/2018

**THE IMMIGRATION ACTS**

**Determined at Field House  
On 23 January 2020**

**Decision & Reasons Promulgated  
On 29 January 2020**

**Before**

**UPPER TRIBUNAL JUDGE O'CALLAGHAN**

**Between**

**C.S.**

(ANONYMITY DIRECTION MADE)

Appellant

**and**

**ENTRY CLEARANCE OFFICER**

Respondent

**DECISION**

**Introduction**

1. Attendant to the grant of permission to appeal dated 23 December 2019 directions were issued to the effect that, unless submissions were made to the contrary by either party, the decision of the First-tier Tribunal dated 19 February 2019 would be set aside on the ground that the First-tier Tribunal erred in law in concluding that it did not enjoy jurisdiction.
2. There has been no response to those directions within the time period allotted.

3. For the reasons set out in the permission to appeal decision, I am satisfied that the First-tier Tribunal decision should be set aside, and this matter remitted to the First-tier Tribunal.

**Notice of Decision**

4. The decision of the First-tier Tribunal involved the making of an error on a point of law and is therefore set aside.
5. This appeal is remitted to the First-tier Tribunal for a fresh hearing before any judge other than JFTT Hussain.
6. No findings of fact are preserved.
7. An anonymity order was previously made by the First-tier Tribunal. The reasons for making such an order are presently unclear and so at the present time I do not set it aside. The First-tier Tribunal is directed to consider the appropriateness of the order continuing, and if it is to continue the Tribunal is to provide reasons.

Signed: **D O'Callaghan**  
**Upper Tribunal Judge O'Callaghan**  
Date: 23 January 2020