



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

Appeal Number: IA/46806/2013

THE IMMIGRATION ACTS

Heard at Field House

On 18th June 2014

Determination

Promulgated

On 1st July 2014

Before

DEPUTY UPPER TRIBUNAL JUDGE J G MACDONALD

Between

MS ELIZABETH REVADELO

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Ms L Appiah instructed by Bloomsbury Immigration Specialists

For the Respondent: Ms L Kenny, Home Office Presenting Officer

DETERMINATION AND REASONS

1. The Appellant is a citizen of the Philippines whose appeal was dismissed by First-tier Judge Taylor in a determination dated 24th February 2014.

2. Grounds of application were lodged primarily on the basis that the Appellant claimed she did not have sufficient time to contact her GP and consultant to provide her with the necessary evidence and therefore an adjournment should have been granted.
3. Permission to appeal was granted and thus the matter came before me.
4. The Secretary of State lodged a Rule 24 notice saying that the Respondent did not oppose the Appellant's application for permission to appeal and invited the Tribunal to remit the matter back to the First-tier Tribunal because the Appellant was denied a hearing on procedural unfairness grounds as disclosed.
5. Before me both parties were agreed that the matter should be remitted to the First-tier Tribunal for the reasons stated. As was stated in the granting of permission there was an impracticality of the Appellant obtaining the necessary supporting documentation from the medical profession prior to the date of the hearing.
6. The determination of the First-tier Tribunal is therefore set aside in its entirety. No findings of the First-tier Tribunal are to stand. Under Section 12(2)(b)(i) of the 2007 Act and Practice Statement 7.2 the nature and extent of judicial fact-finding necessary for the decision to be remade is such that it is appropriate to remit the case to the First-tier Tribunal.

Decision

7. The making of the decision of the First-tier Tribunal did involve the making of an error on a point of law.
8. I set aside the decision.
9. I remit the appeal to the First-tier Tribunal.

Signed

Date

Deputy Upper Tribunal Judge J G Macdonald