



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

Appeal Number: PA026882015  
PA026912015  
PA026892015

**THE IMMIGRATION ACTS**

**Determined at Field House  
On 3<sup>rd</sup> June 2016**

**Determination  
Promulgated  
On 8<sup>th</sup> June 2016**

**Before**

**DEPUTY UPPER TRIBUNAL JUDGE SAINI**

**Between**

**NAIMITKUMAR JAGDISHBHAI PATEL  
HETALBEN NAIMITKUMAR PATEL  
[A P]**

Appellants

**and**

**SECRETARY OF STATE FOR THE HOME DEPARTMENT**

Respondent

**DETERMINATION BY CONSENT**

Pursuant to Rule 39 of the Tribunal Procedure (Upper Tribunal) Rules 2008 and by the consent of the parties the following order is made:

Upon the parties agreement that the determination of the First-tier Tribunal promulgated on 31<sup>st</sup> March 2016 discloses a material error of law, it is hereby order by consent that:

1. The judge made material errors of law in relation to failing to make findings upon the Appellant's reasons for claiming asylum, and the Appellants were denied a fair hearing.
2. The determination is set aside in its entirety with no findings preserved, and
3. The matter is remitted to be heard by a judge of the First-tier Tribunal other than Judge Majid.

The Secretary of State's appeal in the Upper Tribunal is therefore allowed. The decision of the First-tier Tribunal is set aside for legal error.

Signed

Date 8th June 2016

Deputy Upper Tribunal Judge Saini