



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

Appeal Numbers: IA/29296/2014
IA/29301/2014

THE IMMIGRATION ACTS

Heard at Field House

On 22nd March 2017

**Decision & Reasons
Promulgated
On 27th June 2017**

Before

UPPER TRIBUNAL JUDGE REEDS

Between

**RUDOLFO APELADO MABALLO (FIRST APPELLANT)
VIOLETA GARCIA MABALLO (SECOND APPELLANT)
(ANONYMITY DIRECTION NOT MADE)**

Appellants

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellants: Mr M. Biggs, Counsel instructed by Universal Solicitors
For the Respondent: Mr P Singh, Senior Presenting Officer

DECISION AND REASONS

1. The appellants are citizens of the Philippines and are husband and wife aged 77 and 74 respectively. They appeal, with permission, against the decision of the First-tier Tribunal, who in a determination promulgated

on 21 October 2015, dismissed their appeal against the decision of the respondent to revoke their residence cards.

2. The history of the appeal is set out in the determination of the First-tier Tribunal and also in the determination of Designated judge Manuell who originally heard the appeal when it was listed before the Upper Tribunal. I need not set out the entire history as it is plain from the earlier determinations.
3. In a decision promulgated on the 26th May I found an error of law in the determination of the First Tier-Tribunal and gave my reasons for reaching that decision and thus set that decision aside. At the conclusion I set out the position of the parties as to re-making the decision; Counsel on behalf of the applicants had submitted that the appeals should be remitted to the FTT for the reasons he gave and set out at paragraph 21. I therefore gave a direction that if it was sought to be re-made in the Upper Tribunal the appellant's solicitors had 7 days to set out any submissions.
4. No submissions have been received from any of the parties. In those circumstances I am satisfied that the correct approach was that submitted by Mr Biggs and that as further oral evidence would be required and findings of fact made that the appropriate course is to remit the appeal to the First Tier- Tribunal.

Notice of Decision

1. The decision of the first-tier Tribunal made an error on a point of law and shall be set aside. It shall be remitted to the First-tier Tribunal in accordance with Section 12(2) of the Tribunals, Courts and Enforcement Act and paragraph 7.2 of the Practice Statement of 10th February 2010 (as amended).
2. There has been no application made for any anonymity direction.

Signed

Date 23/6/2017

Upper Tribunal Judge Reeds