



Upper Tribunal  
(Immigration and Asylum Chamber)

Appeal Number: EA/06857/2017

**THE IMMIGRATION ACTS**

Heard at Manchester Civil Justice Centre  
On 11<sup>th</sup> September 2018

Decision & Reasons Promulgated  
On 14<sup>th</sup> September 2018

Before

**UPPER TRIBUNAL JUDGE COKER**

Between

**BERNANITO DA COSTA AMARO**

Appellant

and

**THE SECRETARY OF STATE FOR THE HOME DEPARTMENT**

Respondent

Representation

For the appellant: Ms G Patel counsel instructed by Clearwater solicitors  
For the respondent: Mr A McVeety, Senior Home Office Presenting Officer

**DETERMINATION BY CONSENT**

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

Upon the determination by First-Tier Tribunal Judge M M Thomas promulgated on 16<sup>th</sup> November 2017 disclosing a material error of law and being set aside on 11<sup>th</sup> September 2018.

And upon the parties agreeing that the appellant's appeal has not been lawfully considered on the basis of the evidence available, the appeal by Mr Amaro against the refusal of admission is allowed.

The appeal in the Upper Tribunal is allowed. The decision of the First-tier Tribunal is set aside for legal error and the appeal is remitted to the First-tier Tribunal for full rehearing.

Signed  
Upper Tribunal Judge Coker

Date 11<sup>th</sup> September 2018