



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

Appeal Number: PA/09676/2017

THE IMMIGRATION ACTS

Heard at: Field House

**Decision & Reasons
Promulgated**

On: 26 November 2018

On: 29 November 2018

Before

UPPER TRIBUNAL JUDGE KEBEDE

Between

**BNK
(ANONYMITY ORDER MADE)**

Appellant

and

SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

DECISION AND REASONS

1. In a decision promulgated on 6 December 2017, First-tier Tribunal Judge Burnett dismissed the appellant's appeal against the respondent's decision to refuse his asylum and human rights claim. The appellant sought, and was granted, permission to appeal to the Upper Tribunal against Judge Burnett's decision.

2. In a Rule 24 response dated 20 November 2018, the Respondent does not oppose the application for permission and invites the Tribunal to remit the case to the First-tier Tribunal in order for clear and sustainable findings to be made on the appellant's nationality and history.


3. In the circumstances I set aside the decision of Judge Burnett and remit the case to the First-tier Tribunal.

DECISION

4. The making of the decision of the First-tier Tribunal is set aside. The appeal is remitted to the First-tier Tribunal, to be dealt with afresh pursuant to section 12(2)(b)(i) of the Tribunals, Courts and Enforcement Act 2007 and Practice Statement 7.2(b), before any judge aside from Judge Burnett.

Anonymity

The First-tier Tribunal made an order for anonymity. I continue the order pursuant to rule 14 of the Tribunal Procedure (Upper Tribunal) Rules 2008.

Signed 
Upper Tribunal Judge Kebede
2018

Dated: 26 November