



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

Appeal Number: PA/00187/2019

THE IMMIGRATION ACTS

Heard at Birmingham CJC

**Decision and Reasons
Promulgated**

On 2nd December 2019

On 24th December 2019

Before

DEPUTY UPPER TRIBUNAL JUDGE PARKES

Between

**M P
(ANONYMITY DIRECTION MADE)**

Appellant

And

SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

For the Appellant: Mr M Azmi (Counsel)

For the Respondent: Mr D Mills (Home Office Presenting Officer)

DETERMINATION AND REASONS

1. The Appellant's appeal had been heard by First-tier Tribunal Judge Fox in May 2019 and his appeal dismissed. That decision was set aside by the Upper Tribunal following a hearing before Deputy Upper Tribunal Judge Chamberlain in his decision promulgated on the 13th of September 2019. The case was then listed for a re-hearing before me on the 2nd of December 2019.
2. At the hearing it was agreed that it was more appropriate that with no findings preserved the appeal ought to have been remitted to the First-tier Tribunal. Mr Mills stated that was what he had expected to happen and Mr

Azmi did not object. In those circumstances the appeal is remitted to the First-tier Tribunal for re-hearing not before Judge Fox or Judge Chamberlain.

CONCLUSIONS

The decision is remitted to the First-tier Tribunal for re-hearing.

Anonymity

The First-tier Tribunal made an order pursuant to rule 45(4)(i) of the Asylum and Immigration Tribunal (Procedure) Rules 2005.

I continue that order (pursuant to rule 14 of the Tribunal Procedure (Upper Tribunal) Rules 2008.)

Fee Award

In remitting the appeal this remains an issue for the First-tier Tribunal dependent on the outcome of the appeal.

Signed: 

Deputy Judge of the Upper Tribunal (IAC)

Dated: 20th December 2019