



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

Appeal Number: PA/03037/2018

THE IMMIGRATION ACTS

**Field House
On 11 December 2019**

**Decision Promulgated
On 16 December 2019**

Before

UPPER TRIBUNAL JUDGE KOPIECZEK

Between

**ISAAC [O]
(ANONYMITY DIRECTION NOT MADE)**

Appellant

and

SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Ms D. Revill, Counsel

For the Respondent: Mr E. Tufan, Senior Home Office Presenting Officer

**DECISION PURSUANT TO RULE 40(3)(a) OF THE TRIBUNAL PROCEDURE
(UPPER TRIBUNAL) RULES 2008**

1. The appellant, a citizen of Nigeria, appealed to the First-tier Tribunal ("FtT") against a decision dated 19 December 2018, being a decision to refuse a protection and human rights claim in the context of a decision to make a deportation order pursuant to section 32(5) of the UK Borders Act 2007. Within the decision the respondent also issued a certificate under section 72 of the Nationality, Immigration and Asylum Act 2002. The FtT dismissed the appellant's appeal.

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2. At the hearing before me on 11 December 2019 it was agreed between the parties that the FtT erred in law for the reasons advanced in the grounds of appeal upon which permission to appeal was granted.
3. It was further agreed between the parties that the errors of law are such as to require the decision of the FtT to be set aside and for the appeal to be remitted to the FtT for a hearing *de novo*.
4. In the circumstances, I set aside the decision of the FtT for error of law and remit the appeal to the FtT for a hearing *de novo*, on all grounds, before a judge other than First-tier Tribunal Judge Lucas, with no findings of fact preserved.
5. In remitting the appeal I have had regard to paragraph 7.2 of the Practice Statement of the Senior President of Tribunals.
6. Pursuant to rule 40(3)(a) of the Tribunal Procedure (Upper Tribunal) Rules 2008, no reasons (or further reasons) are required, the decision being made with the consent of the parties.

Upper Tribunal Judge Kopieczek

11/12/19