



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

Appeal Number: PA/06326/2018

THE IMMIGRATION ACTS

Heard at Royal Courts of Justice

On 5 November 2018

Decision & Reasons

Promulgated

On 18 December 2018

Before

UPPER TRIBUNAL JUDGE GLEESON

Between

N S

(ANONYMITY ORDER MADE)

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Ms H Short, Counsel instructed by BHT Immigration Services

For the Respondent: Mr T Lindsey, a Senior Home Office Presenting Officer

DECISION AND REASONS

Anonymity

The First-tier Tribunal made an order pursuant to Rule 13 of the Tribunal Procedure (First-tier Tribunal) (Immigration and Asylum Chamber) Rules 2014. I continue that order pursuant to Rule 14 of the Tribunal Procedure (Upper Tribunal) Rules 2008: unless the Upper Tribunal or a court directs otherwise, no report of these proceedings or any form of publication thereof shall identify the original appellant, whether directly or indirectly. This order applies to,

amongst others, all parties. Any failure to comply with this order could give rise to contempt of court proceedings.

1. The appellant appeals with permission against the decision of First-tier Tribunal Judge Behan sitting at Hatton Cross who dismissed his appeal having heard full oral submissions from the respondent and sharply curtailed oral submissions followed by written submissions from the appellant.
2. There is a full note in the Record of Proceedings about the discussion which took place between Counsel and the judge about this method of proceeding.
3. It is patently unfair and improper to allow discursive oral submissions from one party and then curtail the oral submissions due to the lateness of the hour, refusing to reconvene for proper oral submissions to be completed.
4. Unfortunately, there is no alternative but to set this decision aside and order that it be remade in the First-tier Tribunal on a date to be fixed with no findings of fact or credibility preserved.

DECISION

5. For the foregoing reasons, my decision is as follows:

The making of the previous decision involved the making of an error on a point of law.

I set aside the previous decision. The decision in this appeal will be remade in the First-tier Tribunal on a date to be fixed.

Date: 14 December 2018

Gleeson
Tribunal Judge Gleeson

Signed **Judith AJC**
Upper