



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

Appeal Number: HU/12610/2019

THE IMMIGRATION ACTS

**Determined without a hearing
at Field House
On 23 October 2020**

**Decision & Reasons Promulgated
On 28 October 2020**

Before

UPPER TRIBUNAL JUDGE PERKINS

Between

KADAR MD ABDUL

Appellant

and

SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

DETERMINATION AND REASONS

1. In an effort to dispose of its business justly when there are severe restrictions on hearing room availability as a consequence of the well-known "Covid-19" crisis, the Tribunal has issued extensive Directions that have generated further written submissions, particularly from Mr Stephen Knafler QC for the appellant.
2. The parties now agree that the First-tier Tribunal erred in law and its decision should be set aside. The short point is, as alleged in Ground 2.2 of the Grounds of Appeal, that the First-tier Tribunal "treated an earlier FTT decision as determinative, rather than the *"starting point"*."
3. I find that the First-tier Tribunal erred in law and I set aside its decision.
4. I have decided that the appeal should be heard again in the First-tier Tribunal. There has to be a complete rehearing and I do not want to make a decision that limits the appellant's future avenues of appeal.

5. Other than saying that the appeal should not be heard by Judges of the First-tier Tribunal Devittie and Bulpitt I make no directions about the progress of the case but I draw to the attention of the First-tier Tribunal that both parties agree that there should be a “face to face” rather than a “remote” hearing.

Notice of Decision

6. The First-tier Tribunal erred in law. I set aside its decision and direct that the case be heard again in the First-tier Tribunal, not by Judge Devittie or Judge Bulpitt.

Jonathan Perkins

Signed
Jonathan Perkins
Judge of the Upper Tribunal

Dated 23 October 2020