



IAC-FH-CK-V1

**Upper Tribunal
(Immigration and Asylum Chamber)
PA/00214/2020 (P)**

Appeal Number:

THE IMMIGRATION ACTS

**Decided under rule 34
Without a hearing
On 28 November 2020**

**Decision & Reasons Promulgated
On 07 December 2020**

Before

UPPER TRIBUNAL JUDGE SHERIDAN

Between

**RK
(ANONYMITY DIRECTION MADE)**

Appellant

and

SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation

For the Appellant: Fountain Solicitors

For the Respondent: H. Aboni, Senior Home Office Presenting Officer

Direction Regarding Anonymity

Unless and until a Tribunal or court directs otherwise, the appellant is granted anonymity. No report of these proceedings shall directly or indirectly identify him or any member of his family. This direction applies both to the appellant and to the respondent. Failure to comply with this direction could lead to contempt of court proceedings.

DECISION AND REASONS

1. The appellant is appealing against a decision of Judge of the First-tier Tribunal Gillespie (“the judge”) promulgated on 18 March 2020.
2. Permission to appeal was granted on 23 September 2020 by Upper Tribunal Judge Smith.
3. On 9 October 2020 the respondent wrote to the Upper Tribunal stating that the appellant’s application is not opposed and inviting the Upper Tribunal to set aside of the decision of the First-tier Tribunal and remit the appeal to the First-tier Tribunal.
4. In the light of the position of the respondent, I am satisfied that it is consistent with rule 2 of the Tribunal Procedure (Upper Tribunal) Rules to determine this appeal without a hearing.
5. As both parties have invited the Upper Tribunal to set aside the decision and remit the appeal, I set aside the decision (the parties having agreed that it involved the making of an error on a point of law) and remit the appeal to the First-tier Tribunal to be considered afresh with no findings preserved.

Notice of Decision

- a. The appeal is allowed.
- b. The decision of the First-tier Tribunal is set aside and the appeal is remitted to the First-tier Tribunal to be heard afresh by a different judge.

Signed

D. Sheridan

Upper Tribunal Judge Sheridan

Dated: 28 November 2020