



Upper Tribunal
(Immigration and Asylum Chamber)

Appeal Number: AA/07658/2012

THE IMMIGRATION ACTS

Heard at Field House
On 29 October 2013

Date Sent
On 5 November 2013
.....

Before

UPPER TRIBUNAL JUDGE GLEESON

Between

VK

(ANONYMITY ORDER MADE)

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Ms C Bayati, instructed by KTM Legal Consultants (OISC regulated)

For the Respondent: Ms J Isherwood, Senior Home Office Presenting Officer

***Anonymity:** Pursuant to rule 14 of the Tribunal Procedure (Upper Tribunal) Rules 2008, the appellant has been granted anonymity throughout these proceedings. No report of these proceedings (in whatever form) shall directly or indirectly identify the appellant. Failure to comply with this order could lead to a contempt of court".*

DECISION AND DIRECTIONS

1. The appellant, a citizen of Sri Lanka, appeals with permission against the First-tier Tribunal decision dismissing his appeal against the setting of removal directions to Sri Lanka after refusal of refugee status, humanitarian protection or leave to remain on human rights grounds.
2. The grounds of appeal argued that the reasoning of the First-tier Tribunal determination (FTJ Chowdhury) was inadequate and entirely failed to record and deal with the oral evidence of his brother, who at the time was in the United Kingdom as a Tier 4 migrant, studying at UK Education Professional.
3. That leave has since been curtailed because the sponsoring college's licence was revoked. Documents produced at the hearing today record that curtailment. There is no evidence that the brother made a fresh application within the 60 days granted him (which expired on 13 August 2013). It is unclear whether he remains in the United Kingdom.
4. In November 2012, permission to appeal was granted on all grounds, but in particular on grounds 1, 4 and 5.
5. It is agreed between the parties, and the Tribunal considers, that the reasoning in the First-tier Tribunal determination is insufficient for the reasons given, and that the decision must be set aside and remade. Given the lapse of time and the omission of the brother's evidence in the original First-tier Tribunal determination, nothing of that decision can be preserved and it is therefore appropriate that the decision be made again in the First-tier Tribunal.

Conclusions

The making of the decision of the First-tier Tribunal did involve the making of an error on a point of law. I set aside the decision. The decision in the appeal will be remade in the First-tier Tribunal.

Directions

- (a) By agreement, this appeal is listed for hearing at Hatton Cross on 24 December 2013, with a time estimate of two hours.
- (b) A Tamil interpreter will be required.
- (c) All other necessary directions will be made by the First-tier Tribunal.

Signed

Date

Upper Tribunal Judge Gleeson