**Upper Tribunal
(Immigration and Asylum Chamber)**   Appeal Number: PA/11400/2017

THE IMMIGRATION ACTS

No hearing   **Decision & Reasons Promulgated**
On 16 October 2018   **On 25 October 2018**

Before

MR C M G OCKELTON, VICE PRESIDENT

Between

[A S]
                                                          Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT
                                                          Respondent

DECISION AND REMITTAL

1.   On 19 September I wrote to the parties in the following terms:

> "In a Rule 24 response signed on behalf of the Secretary of State by Rhona Petterson, is the following:

>> "2.   The respondent does not oppose the appellant's application for permission to appeal and invites the Tribunal to determine the appeal with a fresh oral (continuance) hearing to consider whether the appellant is in fact an atheist or not and how he would behave on return. It is noted that the appellant's brother (Master MMAS whose appeal was heard at the same time as this appellant) has not sought permission to appeal."

> I have little idea what this is supposed to mean. Permission has been granted, as the respondent is evidently aware, so any opposition to the application for permission is irrelevant. Further, the notion of "a fresh oral (continuance) hearing" is unknown to the Tribunal's procedure.

> On the assumption that the Secretary of State intends to concede the appeal to the Upper Tribunal I now propose to allow that appeal, set aside the determination of the First-tier Tribunal in appeal

PA/11400/2017, and direct a further hearing before that Tribunal. Any submissions to the contrary will be considered if received within **21 days** of the date of this letter."

2.   There has been no reply.

3.   In these circumstances I <u>set aside</u> the determination of the First-tier Tribunal for error of law, and <u>remit</u> the appellant's appeal for redetermination by the First-tier Tribunal.

C. M. G. OCKELTON
VICE PRESIDENT OF THE UPPER TRIBUNAL
IMMIGRATION AND ASYLUM CHAMBER
Date: 16 October 2018.