

**Upper Tribunal**

**(Immigration and Asylum Chamber)** Appeal Number: DA/01174/2014

**THE IMMIGRATION ACTS**

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| **Determined on the papers at Field House** | **Decision & Reasons Promulgated** |
|  | **On 16 July 2018** |
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**Before**

**UPPER TRIBUNAL JUDGE KING TD**

**Between**

**OP (JAMAICA)**

Appellant

**and**

**THE SECRETARY OF STATE FOR THE HOME DEPARTMENT**

Respondent

**DECISION AND REASONS**

1. The appellant is a citizen of Jamaica. There is a decision by the respondent to deport him to Jamaica, he having been convicted of robbery in November 2012 and sentenced to a term of four years’ imprisonment.

2. The appellant sought to appeal against that decision, which appeal came before the First-tier Tribunal (Judge Gibbs and Miss Singer) and by a determination promulgated on 1 December 2014 the appeal was allowed.

3. The Secretary of State sought to challenge that First-tier Tribunal decision and permission to do so was granted to the Upper Tribunal.

4. The matter came before Upper Tribunal Judge Martin on 20 February 2015 and in a determination dated 27 February 2015 she upheld the decision of the First-tier Tribunal and dismissed the Secretary of State’s appeal to the Upper Tribunal.

5. Thereafter the Secretary of State sought to appeal to the Court of Appeal, and after a lengthy period the matter came before the Court of Appeal and the decision of the Court of Appeal is recorded in the case of **Secretary of State for the Home Department v OP (Jamaica) [2018] EWCA Civ 3**.

6. The court identified material errors both in the determination of the First-tier Tribunal and the Upper Tribunal and agreed that those determinations should be set aside. It also directed that the matter be remitted to the First-tier Tribunal for a re-hearing.

7. Accordingly and acting in the light of the decision of the Court of Appeal, the decision of the First-tier Tribunal is set aside as is that of the Upper Tribunal.

8. The appeal will be remitted to the First-tier Tribunal for a re-hearing. Any directions that are required will be for the First-tier Tribunal to issue and make.

**Notice of Decision**

In accordance with the ruling of the Court of Appeal the matter is remitted to the First-tier Tribunal for a re-hearing on all relevant issues.

Signed  Date 12 July 2018

Upper Tribunal Judge King TD