

**Upper Tribunal**

**(Immigration and Asylum Chamber)** Appeal Number: EA/06857/2017

**THE IMMIGRATION ACTS**

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| **Heard at Manchester Civil Justice Centre** | **Decision & Reasons Promulgated** |
| **On 11th September 2018** | **On 14th September 2018** |
|  |  |

**Before**

**UPPER TRIBUNAL JUDGE COKER**

**Between**

**BERNANITO DA COSTA AMARO**

Appellant

**and**

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

Respondent

Representation

For the appellant: Ms G Patel counsel instructed by Clearwater solicitors

For the respondent: Mr A McVeety, Senior Home Office Presenting Officer

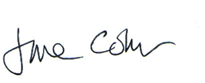
**DETERMINATION BY CONSENT**

Pursuant to Rule 39 of the Tribunal Procedure (Upper Tribunal) Rules 2008 and with the consent of the parties the following order is made:

Upon the determination by First-Tier Tribunal Judge M M Thomas promulgated on 16th November 2017 disclosing a material error of law and being set aside on 11th September 2018.

And upon the parties agreeing that the appellant’s appeal has not been lawfully considered on the basis of the evidence available, the appeal by Mr Amaro against the refusal of admission is allowed.

The appeal in the Upper Tribunal is allowed. The decision of the First-tier Tribunal is set aside for legal error and the appeal is remitted to the First-tier Tribunal for full rehearing.



Signed Date 11th September 2018

Upper Tribunal Judge Coker