

**Upper Tribunal**

**(Immigration and Asylum Chamber)** Appeal Number: EA/09314/2016

**THE IMMIGRATION ACTS**

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| **Upper Tribunal Field House** | **Decision & Reasons Promulgated** |
| **On the papers** | **On 21st August 2018** |
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**Before**

**UPPER TRIBUNAL JUDGE KOPIECZEK**

**Between**

**TOPE ADESHINA ADEMOLA**

Appellant

**and**

**SECRETARY OF STATE FOR THE HOME DEPARTMENT**

Respondent

**DECISION**

1. By direction dated 30 July 2018 Upper Tribunal Judge Pitt said that following the decisions in *Khan v Secretary of State for the Home Department* [2017] EWCA Civ 1755 and *SM (Algeria) v Entry Clearance Officer* [2018] UKSC 9, and taking into account the respondent’s stated view, she proposed to find an error of law in the decision of the First-tier Tribunal and remit the matter to the First-tier Tribunal for the decision to be re-made unless either party informed the Tribunal in writing that that party objects to that course.
2. Neither party having signified any such objection, I find an error of law in the decision of the First-tier Tribunal and remit the appeal to the First-tier Tribunal for a hearing *de novo* before a judge other than First-tier Tribunal Judge Thomas, with no findings preserved.

Upper Tribunal Judge Kopieczek 9/08/2018