



**Upper Tribunal  
(Immigration and Asylum Chamber)**

Appeal Number: RP/00072/2017

**THE IMMIGRATION ACTS**

**Heard at Field House  
On 18 September 2017**

**Decision & Reasons  
Promulgated  
On 19 September 2017**

**Before**

**UPPER TRIBUNAL JUDGE KOPIECZEK**

**Between**

**[A A]**

Appellant

**and**

**SECRETARY OF STATE FOR THE HOME DEPARTMENT**

Respondent

**Representation:**

For the Appellant: Mr A. Khan, Counsel

For the Respondent: Mr I. Jarvis, Senior Home Office Presenting Officer

**DECISION PURSUANT TO RULE 39 OF THE TRIBUNAL PROCEDURE  
(UPPER TRIBUNAL) RULES 2008**

1. The appellant is a citizen of Somalia. He appealed to the First-tier Tribunal ("FtT) against a decision dated 19 May 2017 to refuse a protection and human rights claim, based on a decision to deport him for criminal offending. First-tier Tribunal Judge Howard ("the FtJ") dismissed his appeal on all grounds after a hearing on 27 June 2017.

2. Permission to appeal against the decision of the FtJ having been granted, his appeal came before me.
3. By consent, the parties agreed the following:
  - (i) the FtJ erred in law in his decision in terms of a failure to consider, amongst other things, the issue of cessation of refugee status (Article 1(C)5), the Immigration Rules relevant to deportation, and exclusion from humanitarian protection (para 339D(iii), raised in the respondent's decision letter);
  - (ii) that the FtJ's decision should be set aside; and
  - (iii) that the appeal should be remitted to the FtT for a hearing *de novo* before a First-tier Tribunal Judge other than First-tier Tribunal Judge Howard.
4. Having heard the parties, and considering rule 39 of the Tribunal Procedure (Upper Tribunal) Rules 2008, I make a consent order in the terms expressed in [3] above, considering it appropriate to do so, and thus remitting the appeal to the FtT for a hearing *de novo* before a First-tier Tribunal Judge other than First-tier Tribunal Judge Howard, with no findings of fact preserved.
5. The consent order is as contained herein, no separate document being required.

Upper Tribunal Judge Kopieczek

18/09/17