



Upper Tribunal
(Immigration and Asylum Chamber)

Appeal Number: EA/09314/2016

THE IMMIGRATION ACTS

Upper Tribunal Field House
On the papers

Decision & Reasons Promulgated
On 21st August 2018

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