



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

Appeal Number: EA/10994/2016

**THE IMMIGRATION ACTS**

**Heard at the Royal Court of Justice**

**Decision & Reasons  
Promulgated**

**On 3<sup>rd</sup> December 2018**

**On 7<sup>th</sup> December 2018**

**Before**

**UPPER TRIBUNAL JUDGE COKER**

**Between**

**LAELSON PESSOA DE ASSIS JUNIOR**

Appellant

**and**

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

Respondent

Representation

For the appellant: Mr J Plowright counsel instructed by Mentor Legal

For the respondent: Mr D Clarke, Senior Home Office Presenting Officer

**DETERMINATION BY CONSENT**

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

Upon the determination by First-Tier Tribunal Judge Watson promulgated on 1<sup>st</sup> February 2018 disclosing a material error of law, the appellant and his legal representatives not having been notified of the hearing date, and being set aside on 3<sup>rd</sup> December 2018.

And upon the parties agreeing that the appellant has not had the benefit of an appeal and that the proper course is for the appeal to be

remitted to the First-tier Tribunal for re-hearing, no findings preserved.

The appeal in the Upper Tribunal is allowed. The decision of the First-tier Tribunal is set aside for legal error. The appeal against the decision giving rise to the appeal in the First-tier Tribunal is remitted to the First-tier Tribunal.



Signed  
Upper Tribunal Judge Coker

Date 3<sup>rd</sup> December 2018