



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

Appeal Number: EA/03030/2018

THE IMMIGRATION ACTS

Heard Manchester CJC

**Decision & Reasons
Promulgated**

On 17th December 2018

On 4th January 2019

Before

UPPER TRIBUNAL JUDGE COKER

Between

BESARION GEGESHIDZE

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation

For the appellant: Ms Rakhimjonova of Sterling Lawyers Ltd

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 by the consent of the parties the following order is made:

Upon the determination by First-Tier Tribunal Judge Geraint Jones QC promulgated on 18th June 2018 disclosing a material error of law and being set aside on 17th December 2018.

And upon the parties agreeing that the appeal should be remitted to the First-tier Tribunal for a fresh hearing with no findings preserved, the appeal is allowed.

The appeal to 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 is to be heard fresh in the First-tier Tribunal with no findings preserved.

Signed
Upper Tribunal Judge Coker

Date 18th December 2018