



Upper Tribunal

(Immigration and Asylum Chamber)

(P)

Appeal Number: HU/19462/2019

HU/19470/2019 (P)

HU/19468/2019 (P)

THE IMMIGRATION ACTS

**Decided under Rule 34
On 4 December 2020**

**Decision & Reasons Promulgated
On 16 April 2021**

Before

UPPER TRIBUNAL JUDGE LANE

Between

**AS, VS and DS
(ANONYMITY DIRECTION MADE)**

Appellants

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

DECISION AND REASONS

1. The appellants are citizens of Brazil born respectively in 1973, 2006 and 2011. They have appealed to the First-tier Tribunal against a decision of the respondent to refuse leave to remain on human rights grounds. The First-tier Tribunal, in a decision promulgated on 20 February 2020, dismissed the appeal. The appellants now appeal, with permission, to the Upper Tribunal.
2. Granting permission on 15 September 2020, Upper Tribunal Judge Gill indicated a provisional view that the decision of the First-tier Tribunal should be set aside for legal error and the appeal remitted to the First-tier Tribunal for a hearing *de novo*. The parties were informed that an order for remittal would be made in the event that no objection was received from

either party within 14 days after service of Upper Tribunal Judge Gills' decision. No objection has been received and accordingly I set aside the decision of the First-tier Tribunal. None of the findings of fact shall stand. The appeal is returned to the First-tier Tribunal (not Judge Chohan) for that Tribunal to remake the decision following a hearing *de novo*.

Notice of Decision

I set aside the decision of the First-tier Tribunal. None of the findings of fact shall stand. The appeal is returned to the First-tier Tribunal (not Judge Chohan) for that Tribunal to remake the decision following a hearing *de novo*.

Signed

Date 4 December 2020

Upper Tribunal Judge Lane

Direction Regarding Anonymity - Rule 14 of the Tribunal Procedure (Upper Tribunal) Rules 2008

Unless and until a Tribunal or court directs otherwise, the appellants are granted anonymity. No report of these proceedings shall directly or indirectly identify them or any member of their family. This direction applies both to the appellants and to the respondent. Failure to comply with this direction could lead to contempt of court proceedings.