



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

Appeal Number: HU/05251/2017

THE IMMIGRATION ACTS

Heard at Field House

On 7th August 2018

**Decision & Reasons
Promulgated**

On 17th December 2018

Before

DEPUTY UPPER TRIBUNAL JUDGE R C CAMPBELL

Between

**MR ISAAC OKYERE BIMPEH
(ANONYMITY DIRECTION NOT MADE)**

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Mr E Waheed (Counsel)

For the Respondent: Mr D Clarke (Senior Home Office Presenting Officer)

DECISION AND REASONS

1. In a decision promulgated on 9th January 2018, the appellant's appeal against a decision to refuse his human rights claim, following refusal of entry clearance to the United Kingdom as a partner, was dismissed by First-tier Tribunal Judge Beg ("the judge"). Following an application for permission to appeal, in which it was contended that the judge erred in proceeding on the basis that the appellant was liable for deportation, permission to appeal was granted by a First-tier Tribunal Judge.

2. In a Rule 24 response from the Secretary of State, dated 29th June 2018, the appeal was conceded. It was clear that the decision to refuse entry clearance contained an inapplicable “suitability” section which ought to have been deleted before the decision was served. As the appeal was decided on the papers, there was no Presenting Officer to correct the mistake. The Secretary of State also accepted that the judge’s consideration of the family relationships and the Article 8 assessment were tainted by her mistaken belief that the appellant was liable to deportation. In all the circumstances, the Secretary of State accepted that the decision should be set aside and remade before a different judge.
3. In the light of the Rule 24 response, and without needing to hear from Mr Waheed or Mr Clarke, I conclude that the decision contains a material error of law and must be set aside.

NOTICE OF DECISION

The decision of the First-tier Tribunal is set aside; it will be remade at the Taylor House hearing centre, not before First-tier Tribunal Judge Beg. No findings of fact are preserved and the hearing will proceed on a de novo basis.

Signed _____ Date 17 December 2018

Deputy Upper Tribunal Judge R C Campbell

ANONYMITY

The First-tier Tribunal made no anonymity order or direction and none has been sought. I make no order under Rule 14 of the Tribunal Procedure (Upper Tribunal) Rules 2008 on this occasion.

Signed _____ Date _____

Deputy Upper Tribunal Judge R C Campbell