



**Upper Tribunal  
(Immigration and Asylum Chamber) Appeal Number: HU/16427/2019**

**THE IMMIGRATION ACTS**

**Done without a hearing at Field House  
On 5 February 2021**      **Decision & Reasons Promulgated  
On 18 February 2021**

**Before**

**UPPER TRIBUNAL JUDGE PERKINS**

**Between**

**SUKHCHARN SINGH**

Appellant

**and**

**SECRETARY OF STATE FOR THE HOME DEPARTMENT  
(BY AN ENTRY CLEARANCE OFFICER)**

Respondent

**DETERMINATION AND REASONS**

- 1) The appellant was given permission to appeal on grounds asking for the Decision and Reasons to be set aside and the appeal remitted to the First-tier Tribunal for re-determination.
- 2) Directions were given with a view to determining the appeal without a hearing.
- 3) In a letter dated 12 October 2020 the Respondent indicated that she accepted that the First-tier Tribunal erred in law and suggested that the appeal be remitted to the First-tier Tribunal to be redetermined.
- 4) Several errors of law are alleged by the Appellant and are accepted by the Respondent, particularly a failure to apply the correct legal test.

- 5) In the circumstances I see no benefit in giving a detailed explanation. I find that the First-tier Tribunal erred in law as agreed by the Respondent. I set aside its decision and I direct that the appeal be redetermined the First-tier Tribunal.

**Notice of Decision**

- 6) The appeal is allowed to the extent that the decision of the First-tier Tribunal is set aside and I direct that the appeal be redetermined in the First-tier Tribunal by a different judge.

Jonathan Perkins

Signed  
Jonathan Perkins  
Judge of the Upper Tribunal

Dated 5 February 2021