



IN THE UPPER TRIBUNAL
IMMIGRATION AND ASYLUM
CHAMBER

Case No: UI-2022-003838
First-tier Tribunal No:
HU/53466/2021

THE IMMIGRATION ACTS

Decision & Reasons Issued:
On the 04 April 2024

Before

UPPER TRIBUNAL JUDGE MANDALIA

Between

PRETTY RANA MAGAR
(NO ANONYMITY DIRECTION MADE)

Appellant

and

Secretary of State for the Home Department

Respondent

DECISION AND REASONS

**DECISION MADE WITHOUT A HEARING UNDER RULE 34 OF THE TRIBUNAL
PROCEDURE (UPPER TRIBUNAL RULES 2008)**

1. The appellant is a national of Nepal. She appealed to the First-tier Tribunal (“FtT”) against a decision made by the respondent on 9 July 2021 to refuse her application for leave to enter the UK. The appellant’s appeal to the FtT was linked to an appeal by Mr Sudip Rana (HU/53465/2021). The appeals were heard by a panel comprising of First-tier Tribunal Judge Parkes and First-tier Tribunal Judge Taylor (“the panel”) and dismissed for reasons set out in a decision dated 21 April 2022.
2. Permission to appeal to the Upper Tribunal was granted by First-tier Tribunal Judge Povey on 7 June 2022. The respondent filed a rule 24 response dated 2 June 2022 and conceded there is a material error of law in the decision of the First-tier Tribunal.

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3. On 6 October 2022, I heard the linked appeal of Sudip Rana (UI-2022-002708/ HU/53465/2021) at Field House and set aside the decision of the panel of the First-tier Tribunal (Judges Parkes and Taylor) for reasons set out in a decision promulgated on 2 November 2022. At that hearing before me, neither party drew my attention to this linked appeal.
4. On 6 February 2023, I issued Directions expressing my provisional view that it would in this case be appropriate to determine the following questions without a hearing:
 - i) whether the making of the First-tier Tribunal's decision involved the making of an error of law, and, if so
 - ii) whether that decision should be set aside and remitted to the First-tier Tribunal to be heard alongside the linked appeal of Sudip Rana (UI-2022-002708 / HU/53465/2021)
5. I have received a response dated 1 February 2024 filed on behalf of the respondent. The respondent has no objection to my concluding in this appeal that the decision of the FtT is vitiated by material errors of law, for the same reasons as set out in my decision in the linked appeal of Mr Sudip Rana. The respondent accepts the appropriate course is for this appeal to be remitted to the FtT for rehearing with no findings preserved, so that it can be heard alongside the linked appeal of Mr Sudip Rana.
6. I have received no response from or on behalf of the appellant.
7. In the absence of any response filed by or on behalf of the appellant, I consider it appropriate to make a decision in this appeal without a hearing. I set aside the decision of the FtT dated 21 April 2022 and remit the appeal to the FtT for rehearing alongside the linked appeal.

NOTICE OF DECISION

8. The decision of First-tier Tribunal dated 21st April 2022 is set aside.
9. The appeal is remitted to the First-tier Tribunal for rehearing, with no findings preserved. The appeal is to be heard together with the linked appeal of Mr Sudip Rana (HU/53465/2021)
10. The parties will be notified of a fresh hearing date in due course.

V. Mandalia
Upper Tribunal Judge Mandalia

Judge of the Upper Tribunal
Immigration and Asylum Chamber

4 April 2024