



IAC-AH-LEM-V1

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

Appeal Number: DA/01113/2014

THE IMMIGRATION ACTS

**Determined at Field House
On 18th November 2015**

**Decision & Reasons Promulgated
On 21st December 2015**

Before

**UPPER TRIBUNAL JUDGE COKER
DEPUTY UPPER TRIBUNAL JUDGE SAINI**

Between

KADIR MIAH

Claimant

and

SECRETARY OF STATE FOR THE HOME DEPARTMENT

Appellant

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 parties agreement that the determination of the First-tier Tribunal promulgated on 14th October 2014 discloses a material error of law, it is hereby order by consent that:

1. The judge applied the incorrect Immigration Rule in reaching his decision,
2. The determination is set aside with no findings preserved, and

3. The matter is remitted to be heard by a judge of the First-tier Tribunal other than Judge I. Ross.

The Secretary of State's appeal in the Upper Tribunal is therefore allowed. The decision of the First-tier Tribunal is set aside for legal error.

Signed

Date

Deputy Upper Tribunal Judge Saini