



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

Appeal Number: IA/30153/2015

THE IMMIGRATION ACTS

**Heard at Field House
On 24th October 2017**

**Decision & Reasons Promulgated
On 14th November 2017**

Before

DEPUTY UPPER TRIBUNAL JUDGE RENTON

Between

**ABDUL WAHEED
(ANONYMITY DIRECTION NOT MADE)**

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Unrepresented

For the Respondent: Mr C Avery, Home Office Presenting Officer

DECISION AND REASONS

Introduction

1. The Appellant is a male citizen of Pakistan born on 8th June 1982. He first arrived in the UK on 22nd August 2010 when he was given leave to enter as a Tier 4 (Student) Migrant. The Appellant subsequently applied for leave to remain on the basis of his relationship with a British citizen. That application was refused for the reasons given in the Respondent's Reasons for Refusal letter dated 25th August 2015. The Appellant appealed, and his appeal was heard by First-tier Tribunal Judge Majid sitting at Taylor House

on 7th September 2016. He decided to allow the appeal for the reasons given in his Decision promulgated on 16th September 2016. The Respondent sought leave to appeal that decision and on 23rd January 2017 such permission was granted.

Error of Law

2. I must first decide if the decision of the Judge contained an error on a point of law so that it should be set aside.
3. The reasons for the Judge's decision to allow the appeal are by no means clear from his Decision. Suffice it to say that by a Rule 24 response signed by the Appellant's Counsel Michael Biggs it was conceded that the decision of the Judge contained a material error on a point of law.
4. At the hearing before me, the Appellant appeared unrepresented. He confirmed that he wished the hearing to proceed nevertheless, and that he was fully aware of the contents of the Rule 24 response and understood its consequences.
5. I therefore find a material error of law in the decision of the First-tier Tribunal which I set aside. I need not give my reasons for that decision in accordance with the provisions of Rule 40(3)(a) of the Tribunal Procedure (Upper Tribunal) Rules 2008. I did not proceed to remake the decision in the appeal in accordance with the provisions of paragraph 7.2(b) of the Practice Statements as the judicial fact-finding in the appeal needs to be done again.

Notice of Decision

The making of the decision of the First-tier Tribunal did involve the making of an error on a point of law.

I set aside that decision.

The decision in the appeal will be remade by the First-tier Tribunal.

Anonymity

The First-tier Tribunal did not make an order for anonymity. I was not asked to do so, and indeed find no reason to do so.

Signed

Date 13th November 2017

Deputy Upper Tribunal Judge Renton