



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

**Appeal Number: UI-2022-002314
On appeal from EA/03344/2021**

THE IMMIGRATION ACTS

**Heard at Bradford
On the 17th October 2022**

**Decision & Reasons Promulgated
On the 09th November 2022**

Before

UPPER TRIBUNAL JUDGE BRUCE

Between

Alex Oti Boateng

Appellant

And

Secretary of State for the Home Department

Respondent

For the Appellant: Mr Osei-Bonsu, Sponsor

**For the Respondent: Mr Diwnycz, Senior Home Office Presenting
Officer**

DECISION AND REASONS

1. The Appellant is a national of Ghana born on the 21st June 1994. He appeals with permission against the decision of the First-tier Tribunal (Judge Mills) to dismiss his appeal against a refusal to issue him with a family permit to enable him to join his sponsor (his cousin) in the United Kingdom.

2. Judge Mills' decision was dated the 14th January 2022. In short he did not accept that the Appellant and the Sponsor were related as claimed. Permission to appeal to this Tribunal was granted by First-tier Tribunal Judge Beach on the 22nd April 2022; Judge Beach thought it arguable that in reaching his decision Judge Mills may have overlooked some material evidence. By her Rule 24 response dated the 31st May 2022 the Respondent agreed that this ground was made out: she invites me to set the decision of Judge Mills aside and to remit the matter to the First-tier Tribunal so that it may be heard afresh.
3. At the hearing before me the Sponsor Mr Osei-Bonsu indicated that the Appellant was in agreement with this course of action. I therefore set aside the decision of Judge Mills by consent and remit the matter to the First-tier Tribunal for hearing *de novo*.

Decisions and Directions

4. The decision of the First-tier Tribunal is set aside by consent.
5. The decision in the appeal is to be remade in the First-tier Tribunal by a Judge other than Judge Mills.

Upper Tribunal Judge Bruce
17th October 2022