



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

Appeal Number: UI-2021-001365
HU/02817/2021

THE IMMIGRATION ACTS

**Heard at Field House
On 17 March 2022**

**Decision & Reasons Promulgated
On 31 August 2022**

Before

**UPPER TRIBUNAL JUDGE ALLEN
DEPUTY UPPER TRIBUNAL JUDGE MALIK QC**

Between

**MR VARUN VERMA
(ANONYMITY DIRECTION NOT MADE)**

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: The Appellant in Person

For the Respondent: Ms S Cunha, Senior Home Office Presenting Officer

DECISION AND REASONS

1. This is the appeal of Mr Verma against a decision of a Judge of the First-tier Tribunal dated 8 November 2021 dismissing his appeal against the Secretary of State's decision of 27 April 2021. In this decision the Secretary of State refused an application for leave to remain on the basis of family life with his partner, Miss Delgado.

2. At the hearing today Mr Verma appears in person and Ms Cunha, Senior Home Office Presenting Officer, appears on behalf of the Secretary of State.
3. We need not say very much about this appeal because Ms Cunha very helpfully has agreed with our provisional view that this decision will have to be remade. There is a helpful Rule 24 response as well where the point is made that one of the real difficulties with the judge's decision was that Article 8 outside the Rules was not considered and referring also to the two years since the relationship began to the date of application and the error in that regard but it seems to us where one has, as here, a very brief decision indeed by the judge, who had not even been able to access the date of birth and citizenship of Mr Verma from the papers that he had, that the decision really is inadequate and there is some force to the point made by the judge in granting permission that perhaps the judge should have adjourned and called for further documentation because there certainly is quite a lot in there, there are the two witness statements for example by Mr Verma and Miss Delgado and there is the covering letter to the decision letter, which made clear Mr Verma's nationality and date of birth and we understand from Mr Verma today there is other evidence that he may wish to rely upon.
4. So, for all these reasons it seems to us that this appeal is allowed to the extent that it is to be remitted for a full rehearing in the First-tier Tribunal. So, Mr Verma will get notice of that hearing and he can decide then whether he wants it to be on papers or orally and also to provide any further evidence.

Notice of Decision

The appeal is allowed to the extent set out above.

No anonymity direction is made.



Signed

Date 26 August 2022

Upper Tribunal Judge Allen