



**IN THE UPPER TRIBUNAL**  
**IMMIGRATION AND ASYLUM CHAMBER**

**Case No: UI-2022-000503**  
**First-tier Tribunal No:**  
**PA/51774/2021**  
**IA/03797/2021**

**THE IMMIGRATION ACTS**

**Decision & Reasons Promulgated**  
**On the 14 February 2023**

**Before**

**UPPER TRIBUNAL JUDGE GRUBB**

**Between**

**MAXIMILIANO WIFREDO MARTINEZ CRUZ**  
**(NO ANONYMITY ORDER MADE)**

Appellant

**and**

**THE SECRETARY OF STATE FOR THE HOME DEPARTMENT**

Respondent

**Representation:**

For the Appellant: Ms L King instructed by Migrant Legal Project  
For the Respondent: Ms S Rushforth, Senior Home Office Presenting Officer

**Heard at Cardiff Civil Justice Centre on 12 January 2023**

**NOTICE OF DECISION**

1. Both subparagraphs of rule 40(3) of the Tribunal Procedure (Upper Tribunal) Rules 2008 (SI 2008/2698 as amended) apply to this decision.
2. The respondent accepts there is an error of law on the basis of the grounds of appeal. The decision of the First-tier Tribunal dated 13 November 2021 is erroneous in law. I set it aside.
3. The appeal is remitted to be determined by the First-tier Tribunal *de novo* before a judge other than Judge Sweet.

**Andrew Grubb**

Judge of the Upper Tribunal  
Immigration and Asylum Chamber

**12 January 2023**