



Upper Tribunal

(Immigration and Asylum Chamber) Appeal Number: UI-2022-001744

First-tier Tribunal No: EA/51911/2021

IA/08499/2021

THE IMMIGRATION ACTS

Decision & Reasons Issued:

On the 03 April 2023

Before

UPPER TRIBUNAL JUDGE KEITH

Between

STILJANO ZIU

(NO ANONYMITY DIRECTION MADE)

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the appellant: Mr E Tufan, Senior Home Office Presenting Officer

For the respondent: *Mr G Mavrantonis*, instructed by Farani Taylor Solicitors

Heard via BT MeetMe on the 21st March 2023

CASE MANAGEMENT REVIEW HEARING AND DIRECTIONS

- 1. The remaking of this appeal shall be remitted to the FtT, other than before Judge Anthony, and subject to the preserved findings set out in the error of law decision dated 23rd August 2022.**

Reasons

I had previously stayed remaking, pending an update of the appellant's trial in February 2023 on two counts: conspiracy to produce cannabis (class B) and the supply of cannabis (class B). Mr Mavrantonis confirmed that the trial in February 2023 has collapsed, and a retrial is taking place on 2nd September

2024. Mr Mavrantonis urged me to remit the matter back for remaking to the First-tier Tribunal, despite the preserved findings, as he envisaged additional substantial evidence from the appellant's wife. The Secretary of State could always issue a further decision if the appellant was later convicted. Noting para 7.2(b) of the Senior President's Practice Statement, and the nature and extent of necessary judicial fact finding, namely in connection with the appellant's relationship with his wife, I have concluded that it is appropriate to remit the matter back to the First-tier Tribunal. That is a variation to my previous direction and reflects the appellant's intention to adduce significant new evidence, since the FtT's original decision.

Signed **J. Keith**

Date: 11th April 2023

Upper Tribunal Judge Keith