



IN THE UPPER TRIBUNAL
IMMIGRATION AND ASYLUM CHAMBER

Case No: UI-2022-005010
First-tier Tribunal No:
EA/52804/2021
IA/11342/2021

THE IMMIGRATION ACTS

Decision & Reasons Issued:
On the 28 March 2023

Before

UPPER TRIBUNAL JUDGE BRUCE

Between

Amtul Latif
(no anonymity order made)

Appellant

and

Secretary of State for the Home Department

Respondent

DECISION

1. The Appellant seeks a family permit confirming her right to enter the United Kingdom as the family member of her Dutch national grandson-in-law under the Immigration (European Economic Area) Regulations 2016.
2. Her appeal against refusal of such a permit was dismissed by the First-tier Tribunal (Judge Hussain) on the 23rd March 2021.
3. The Appellant was granted permission to appeal against that decision by Upper Tribunal Judge Smith on the 9th November 2022.
4. By her 'Rule 24' response dated the 9th January 2023 the Respondent indicated that she does not oppose the appeal. In particular it is accepted that Judge Hussain materially erred in fact in respect of the proportion of the Sponsor's income sent to the Appellant; it is further accepted that this error infected the overall credibility assessment and that the decision of Judge Hussain should therefore be set aside in its entirety. The decision is so set aside by consent.

5. Given that the First-tier Tribunal's assessment of this matter was based on a misapprehension of the facts, it is appropriate that the matter be remitted to the First-tier Tribunal for remaking *de novo* by a judge other than Judge Hussain. It will be listed at Taylor House on a date to be notified.

Upper Tribunal Judge Bruce
14th February 2023