



IN THE UPPER TRIBUNAL
IMMIGRATION AND ASYLUM CHAMBER

Case No: UI-2021-001751
First-tier Tribunal No:
EA/00826/2021

THE IMMIGRATION ACTS

Decision & Reasons Issued:
On the 06 July 2023

Before

UPPER TRIBUNAL JUDGE NORTON-TAYLOR

Between

MD SIFUL ISLAM MAMUN
(NO ANONYMITY ORDER MADE)

Appellant

and

SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

DECISION AND REASONS

Background and conclusions

1. This appeal has been decided without a hearing under rule 34 of the Tribunal Procedure (Upper Tribunal) Rules 2008 and in consequence of the parties' agreement that the decision of the First-tier Tribunal contained errors of law, that it should be set aside, and that the appeal be remitted to the First-tier Tribunal for a complete re-hearing.
2. The First-tier Tribunal dismissed the appellant's appeal against the respondent's refusal of his application under the Immigration (European Economic Area) Regulations 2016. The grounds of appeal asserted that the judge had made legal errors in respect of the issue of dependency.

3. In her rule 24 response, dated 11 April 2023, the respondent conceded that the judge had erred in law. It was suggested that the judge's decision be set aside and the appeal remitted to the First-tier Tribunal.
4. Following this, an Upper Tribunal Judge issued directions, indicating that the error of law issue could be decided without a hearing and seeking a response from the appellant's legal representatives as to whether they agreed with such a course of action. By letter dated 14 June 2023, Taj Solicitors confirmed that they were content with this.
5. Having reviewed all relevant materials for myself, I conclude that it is appropriate to deal with this appeal without a hearing. It is an efficient and fair course of action.
6. In light of rule 40(3) of the Procedure Rules, I do not set out reasons for my decision in this case. The respondent's concession was properly made. I conclude that the errors stated in the grounds of appeal are made out.
7. In the circumstances, it is appropriate to remit this appeal the First-tier Tribunal for a complete re-hearing. There are no preserved findings of fact.

Anonymity

8. I make no anonymity direction.

Notice of Decision

The making of the decision of the First-tier Tribunal did involve the making of an error on a point of law.

I exercise my discretion under section 12(2)(a) of the Tribunals, Courts and Enforcement Act 2007 and set aside the decision of the First-tier Tribunal.

I remit the case to the First-tier Tribunal (Taylor House hearing centre).

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First-tier Tribunal No: EA/00826/2021

**The remitted appeal shall not be heard by First-tier Tribunal Judge
Hanes**

H Norton-Taylor

Judge of the Upper Tribunal

Immigration and Asylum Chamber

Dated: 21 June 2023