



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

Case No: UI-2023-000508

First-tier Tribunal No: EA/05732/2022

THE IMMIGRATION ACTS

Field House

On 14 December 2023

**Decision & Reasons
Promulgated**

21st December 2023

Before

UPPER TRIBUNAL JUDGE PITT

Between

GURDEV KAUR

(NO ANONYMITY DIRECTION MADE)

and

SECRETARY OF STATE FOR THE HOME DEPARTMENT

Appellant

Respondent

DECISION AND REASONS

1. This is an appeal against the decision issued on 5 January 2023 of First-tier Tribunal Judge Parkes which refused the appellant's EUSS appeal. Permission to appeal against the decision of First-tier Tribunal Parkes was granted on 15 February 2023.
2. The respondent's Rule 24 response dated 8 March 2023 concedes error as argued in the grounds and indicates that the respondent does not oppose the decision of the First-tier Tribunal being set aside to be remade de novo

in the First-tier Tribunal. The error concerned a misapprehension as to the identity of the sponsor and as to the appellant having provided a full witness statement which were both highly material matters.

3. In light of the respondent's concession in the Rule 24 response, on 13 November 2023 the Upper Tribunal issued a preliminary view that the appeal against the decision of the First-tier Tribunal should be allowed and that the decision of First-tier Tribunal Judge Parkes should be set aside to be remade de novo in the First-tier Tribunal.
4. The Upper Tribunal also directed that if neither party responded to the preliminary view, the Upper Tribunal would find an error of law, set aside the decision and remit the appeal to the First-tier Tribunal. Neither party has responded. The Upper Tribunal therefore finds an error of law, sets aside the decision of the First-tier Tribunal and remits the appeal to the First-tier Tribunal for primary findings of fact to be made; Begum (Remaking or remittal) Bangladesh [2023] UKUT 00046 (IAC) considered.

Notice of Decision

5. The decision of the First-tier Tribunal discloses an error on point of law and is set aside to be remade afresh in the First-tier Tribunal.

Signed: S Pitt
Upper Tribunal Judge Pitt

Date: 14 December 2023