



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

Case No: UI-2023-003382

First Tier Number: EA/00799/2022

**THE IMMIGRATION ACTS**

**Decision & Reasons Issued:**

On 12<sup>th</sup> October 2023

**Before**

**UPPER TRIBUNAL JUDGE BRUCE**

**Between**

**SECRETARY OF STATE FOR THE HOME DEPARTMENT**

Appellant

**and**

**Sajmir Tabaku**  
**(no anonymity order made)**

Respondent

**DECISION AND REASONS**

1. On the 12<sup>th</sup> December 2022 the First-tier Tribunal (Judge G. Clarke) allowed the Respondent's appeal under the EUSS. The Secretary of State was granted permission to appeal to this Tribunal on the 16<sup>th</sup> January 2023.
2. On the 25<sup>th</sup> September 2023 the parties reached an agreement on disposal. Pursuant to Rule 39(1) of the Tribunal Procedure (Upper Tribunal) Rules 2008 they have proposed the matter be disposed of by consent in the following terms:
  1. The hearing on 13 October is vacated; and
  2. That the parties agree to the Tribunal summarily setting aside the decision of the First-tier Tribunal for error of law as identified in the Appellant's (Secretary of State's) grounds; and
  3. That the Tribunal remakes the decision summarily dismissing the appeal.

**Decisions**

3. The decision of the First-tier Tribunal is set aside by consent.
4. The appeal is dismissed.
5. There is no order for anonymity.

Upper Tribunal Judge Bruce  
Immigration and Asylum Chamber  
7<sup>th</sup> October 2023