



IN THE UPPER TRIBUNAL
IMMIGRATION AND ASYLUM CHAMBER

Case No: UI-2022-002580

First-tier Tribunal No: EA/11994/2021

THE IMMIGRATION ACTS

Decision & Reasons Issued:

12th January 2024

Before

UPPER TRIBUNAL JUDGE MACLEMAN

Between

ADELINA PODA
(no anonymity order)

Appellant

and

S S H D

Respondent

Decided under rule 34 without a hearing

DECISION AND REASONS

1. FtT Judge Rayner dismissed this appeal by a decision dated 23 and issued on 31 January 2022.
2. The appellant was granted permission to appeal to the UT, the hearing of which was stayed awaiting the judgement of the Court of Appeal in *Celik v Secretary of State for the Home Department*, which was given on 31 July 2023, [2023] EWCA Civ 921.
3. Mr Celik's appeal against the decision of the Upper Tribunal was dismissed.
4. The UT issued further directions, dated 11 October 2023. The appellant was invited to consider whether to withdraw, or, if it was considered that there were other arguable grounds for success, to provide amended grounds.

5. In a response dated 4 December 2023, the appellant says that Mr Celik has applied to the Supreme Court for permission to appeal, and asks for a stay, but provides no details or confirmation. Alternatively, a decision is requested “on the papers”, based on materials already before the UT.
6. There is no reason to grant a further stay. The case falls to be decided on the authority of *Celik*, which settles the issues raised by the appellant. In that light, the outcome is inevitably as follows.
7. The decision of the FtT errs in law, and is set aside. The appeal, as originally brought to the FtT, is dismissed.
8. No anonymity order has been requested or made.

Hugh Macleman

Judge of the Upper Tribunal
Immigration and Asylum Chamber
2 January 2024