



IN THE UPPER TRIBUNAL
IMMIGRATION AND ASYLUM
CHAMBER

Case No: UI-2022-005350
First-tier Tribunal No:
HU/00761/2020

THE IMMIGRATION ACTS

Decision and Reasons issued:
On the 25 June 2024

Before

UPPER TRIBUNAL JUDGE NORTON-TAYLOR

Between

PRINCE COLLINS OSEI BONSU
(NO ANONYMITY ORDER MADE)

Appellant

and

SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Decided without a hearing at Field House on 25 June 2024

ERROR OF LAW DECISION

1. This case was allocated to me on 25 June 2024. It is regrettable that there has been such a delay, given that the hearing before the First-tier Tribunal took place in mid-2023.
2. The appellant, a citizen of Ghana who is not legally represented, was granted permission to challenge the decision of First-tier Tribunal Judge Monson, promulgated on 23 June 2023, by which he dismissed the appellant's appeal against the respondent's refusal of a human rights claim. Following the grant of permission, the respondent provided a rule 24 response. This conceded that the judge had materially erred in law

and that his decision should be set aside for the reasons set out in the grounds of appeal. Specifically, it was accepted that the judge had erred in relation to the issue of family life. The rule 24 response remained neutral as to whether the case should be retained in the Upper Tribunal or remitted to the First-tier Tribunal.

3. In a directions notice issued on 28 August 2023, Upper Tribunal Judge Kebede stated that she was minded to set aside the judge's decision and, in all the circumstances, remit the appeal to the First-tier Tribunal for a complete rehearing before a judge other than Judge Monson. She directed that any reasonable objection to that course of action was to be made in writing to the Upper Tribunal no later than 5 days from the date her directions notice was sent out. To date, there has been no response from the appellant.
4. I am satisfied that the course of action proposed by Judge Kebede remains appropriate. I am also satisfied that I need not provide reasons for my decision to set the decision of Judge Monson aside: rules 2 and 40(3) of the Upper Tribunal's Procedure Rules.
5. There shall be no preserved findings of fact.

Anonymity

6. There is no basis for making an anonymity direction in this case and I do not do so.

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.

Case No: UI-2022-005350

First-tier Tribunal No: HU/00761/2020

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).

Directions to the First-tier Tribunal

1. This appeal is remitted to the First-tier Tribunal to be heard afresh by a judge other than First-tier Tribunal Judge Monson.

H Norton-Taylor

Judge of the Upper Tribunal

Immigration and Asylum Chamber

Dated: 25 June 2024