



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

Appeal Number: IA/17142/2015

**THE IMMIGRATION ACTS**

**Heard at Field House  
Determined on the papers on 13  
June 2017.**

**Decision & Reasons Promulgated  
On 14 June 2017**

**Before**

**UPPER TRIBUNAL JUDGE MCGEACHY**

**Between**

**THE SECRETARY OF STATE FOR THE HOME DEPARTMENT**

Appellant

**and**

**TAMINA RASUL  
(ANONYMITY DIRECTION NOT MADE)**

Respondent

**DECISION AND REASONS**

1. The Secretary of State appeals in this case against a determination of designated Judge of the First-tier Tribunal Garratt who in a determination promulgated on 17 March 2016 allowed the appellant's appeal against the refusal of leave to remain on the basis that she was a British citizen.
2. It is accepted by the respondent in a letter from her solicitors dated 7 June 2017 that that decision was wrong. The appellant's solicitors are correct in their analysis of the law. And correct to follow the judgment of the Judge in the High Court who considered the appellant's sister's appeal. I therefore set aside the decision of the First-tier Judge.
3. I am requested to remit the appeal for a hearing afresh in the First-tier. That is the appropriate course of action as the guidance in the Senior

President of tribunal's Practice Directions are met. I therefore remit the appeal for a hearing afresh in the First-tier.

Decision

- 1.The decision of the Judge in the First-tier is set aside.
- 2.The appeal will proceed to a hearing afresh in the First-tier at Bennett House, Stoke.

Signed  
2017



Date: 13 June

Upper Tribunal Judge McGeachy.