



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

Appeal Number: EA/01877/2020

THE IMMIGRATION ACTS

**Determined without a hearing at Field
House
On 2 August 2021**

**Decision and reason
promulgated on
On 20 August 2021**

Before

UPPER TRIBUNAL JUDGE PERKINS

Between

NANA SARFO

Appellant

and

SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

DETERMINATION AND REASONS

- 1) The appellant is represented by Adam Bernard Solicitors.
- 2) The parties agree that the First-tier Tribunal erred in law and that the appeal should be remitted to the First-tier Tribunal to be redetermined.
- 3) The First-tier did err. At the very least the Judge should not have ruled that the marriage was a marriage of convenience when the Respondent had not raised the point without first giving the Appellant an opportunity to deal with the concerns.
- 4) Notwithstanding the protracted history, redetermination in the First-tier Tribunal is appropriate as redetermination in the Upper Tribunal would restrict the appellant's rights of appeal which, I find, would be unfair in this case.
- 5) Pursuant to rule 34 of the Tribunal Procedure (Upper Tribunal) Rules 2008, with the agreement of the parties, I set aside the decision of the First-tier Tribunal and direct that the appeal be heard again in the First-tier Tribunal.

Signed
Upper Tribunal Judge

Jonathan Perkins

2 August 2021

