



**Upper Tribunal  
(Immigration and Asylum Chamber) Appeal Number: UI-2022-  
002054**

**(PA/00035/2021)**

**THE IMMIGRATION ACTS**

**Heard at Cardiff Civil Justice  
Centre  
On the 8 September 2022**

**Decision & Reasons  
Promulgated  
On the 11 October 2022**

**Before**

**UPPER TRIBUNAL JUDGE GRUBB**

**Between**

**A S  
(Anonymity Direction in force)**

Appellant

**and**

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

Respondent

**Representation:**

For the Appellant: Mr K Gayle, Elder Rahimi Solicitors

For the Respondent: Ms S Rushforth, Senior Home Office Presenting  
Officer

**NOTICE OF DECISION**

1. Both subparagraphs of rule 40(3) of the Tribunal Procedure (Upper Tribunal) Rules 2008 (SI 2008/2698 as amended) apply to this decision.
2. The grounds of appeal are conceded by the respondent. The decision of the First-tier Tribunal sent out on 13 January 2022 is erroneous in law. I set it aside.
3. The appeal is remitted to be determined by the First-tier Tribunal *de novo* at an oral hearing before a judge other than Judge Lester.

Signed

**Andrew Grubb**

Judge of the Upper Tribunal

Date 8 September 2022