



IN THE UPPER TRIBUNAL
MIIMMIGRATION AND ASYLUM CHAMBER

Case No: UI-2024-002839

First-tier Tribunal No: HU/59712/2023

THE IMMIGRATION ACTS

Decision & Reasons Issued:

On 10th of September 2024

Before

DEPUTY UPPER TRIBUNAL JUDGE PARKES

Between

RAU MAYA GURUNG
(ANONYMITY DIRECTION NOT MADE)

Appellant

and

SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Mr S Jaisri (Counse, instructed by Sam Solicitors)

For the Respondent: Mr M Parvar (Senior Home Office Presenting Officer)

Heard at Birmingham on 31st August 2024

DECISION AND REASONS

1. The Appellant is a citizen of Nepal and applied for entry clearance as the family member of a former Gurkha soldier now living in the UK. The application was refused, the Appellant's appeal was heard by Judge Sweet on the 21st of March 2024 at Hatton Cross by CVP. The appeal was dismissed for the reasons given in the decision promulgated on the 25th of March 2024.
2. The Appellant sought permission to appeal to the Upper Tribunal in grounds of the 3rd of April 2024. Permission to appeal was granted by Judge Chowdhury who found that it was arguable that the Judge had failed to make the assessment required in the guidance in Rai [2017] EWCA Civ 320 and on the other grounds advanced.
3. At the hearing Mr Parvar for the Respondent accepted that the decision contained material error in paragraph 11, it was agreed that there was a lack of reasoning in relation to the

case of Raj. In the circumstances it was agreed that the decision could not stand and should be remitted to the First-tier Tribunal for a re-hearing with no findings preserved.

Notice of Decision

4. This appeal is allowed.
5. The decision of Judge Sweet is set aside, the appeal is remitted to the First-tier Tribunal to be de novo, not before Judge Sweet, a Nepalese interpreter is required for the hearing..

Judge Parkes

Deputy Judge of the Upper Tribunal
Immigration and Asylum Chamber

Dated: 29th August 2024