



Upper Tribunal
(Immigration and Asylum Chamber)

Appeal Number: HU/24085/2018

THE IMMIGRATION ACTS

At Field House
On Papers

Decision & Reasons promulgated:
12th September 2019

Before

UPPER TRIBUNAL JUDGE BLUM

Between

SAKINA AYUB
(ANONYMITY DIRECTION NOT MADE)

Appellant

and

SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

NOTICE OF DECISION

1. Rules 34 and 40(3)(a) of the Tribunal Procedure (Upper Tribunal) Rules 2008 apply to this decision.
2. The appellant's human rights appeal was dismissed by a First-tier Tribunal panel (Judges Plowright and Parkes) on 17 May 2019. The grounds of appeal invited the Upper Tribunal to set aside the panel's decision and remit the matter to First-tier Tribunal for a rehearing.
3. Permission to appeal to the Upper Tribunal was granted by Judge of the First-tier Tribunal Birrell in a decision dated 11 July 2019. Judge Birrell considered it arguable that the panel's decision disclosed errors

relating to the issue of integration under paragraph 276ADE(1)(vi), with reference to Kamara [2016] EWCA Civ 813.

4. In a Rule 24 response received by the Upper Tribunal on 2 September 2019 the respondent considered that the appeal grounds revealed material errors of law in the panel's consideration of paragraph 276ADE(1)(vi). The respondent stated,

“Consequently, the Respondent does not oppose the Appellant's application for permission to appeal and invites the Upper Tribunal to remit this appeal to the First-tier Tribunal for rehearing [as suggested by Council in the Grounds of Appeal], without the need for a hearing for the Upper Tribunal, in order to save costs for the parties to this appeal.”
5. The Upper Tribunal is consequently satisfied that it can determine the appeal without a hearing (rule 34) and, as the decision was made with the consent of the parties, no detailed written reasons are required (rule 40(3)(a)).
6. The decision of the First-tier Tribunal panel promulgated on 17 May 2019 involved the making of an error point of law and is set it aside.
7. The appeal is remitted the First-tier Tribunal to be determined *de novo* by a judge other than Judge Plowright or Parkes.

Signed



D. Blum

Judge of the Upper Tribunal

5 September 2019