



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

**UI-2021-000541  
EA/02449/2021**

THE IMMIGRATION ACTS

Heard at George House, Edinburgh  
on 15 June 2022

Decision & Reasons Promulgated  
on 1 August 2022

Before

UPPER TRIBUNAL JUDGE MACLEMAN

Between

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

Appellant

And

**JOAQUIN LOSADA GRISALES**

Respondent

*For the Appellant: Mr P Deller, Senior Home Office Presenting Officer,  
attending remotely*

*No appearance by or for the respondent*

**DETERMINATION AND REASONS**

1. FtT Judge Roe allowed the respondent's appeal (FtT reference EA/02449/2021, decision promulgated on 5 August 2021). On 4 October 2021 UT Judge Bruce granted the SSHD permission to appeal, in light of *Akinsanya* [2022] EWCA Civ 37. Procedure has been prolonged while the SSHD has been considering her position.
2. The SSHD published revised guidance on 13 June 2022. In that light, and under the circumstances of the case, Mr Deller explained that the SSHD does not seek to continue with her challenge.

3. The SSHD's appeal to the UT is dismissed. The decision of the FtT stands.
4. No anonymity direction has been requested or made.

H Macleman

15 June 2022  
UT Judge Macleman

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#### NOTIFICATION OF APPEAL RIGHTS

1. A person seeking permission to appeal against this decision must make a written application to the Upper Tribunal. Any such application must be **received** by the Upper Tribunal within the **appropriate period** after this decision was **sent** to the person making the application. The appropriate period varies, as follows, according to the location of the individual and the way in which the Upper Tribunal's decision was sent:
2. Where the person who appealed to the First-tier Tribunal is **in the United Kingdom** at the time that the application for permission to appeal is made, and is not in detention under the Immigration Acts, the appropriate period is **12 working days (10 working days, if the notice of decision is sent electronically)**.
3. Where the person making the application is in detention under the Immigration Acts, **the appropriate period is 7 working days (5 working days, if the notice of decision is sent electronically)**.
4. Where the person who appealed to the First-tier Tribunal is **outside the United Kingdom** at the time that the application for permission to appeal is made, the appropriate period is **38 days (10 working days, if the notice of decision is sent electronically)**.
5. A "working day" means any day except a Saturday or a Sunday, Christmas Day, Good Friday or a bank holiday.
6. The date when the decision is "sent" is that appearing on the covering letter or covering email.