



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

Appeal Number: HU/04015/2017

THE IMMIGRATION ACTS

**Heard at Field House
On 20 December 2018**

**Decision & Reasons Promulgated
On 04 April 2019**

Before

DEPUTY UPPER TRIBUNAL JUDGE JORDAN

Between

DEEQ ABDI ALI

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: No appearance

For the Respondent: Mr C. Avery, Home Office Presenting Officer

DECISION AND REASONS

1. In view of the decision that I now make, it is immaterial that neither the appellant nor his solicitors, Hersi & Co., have appeared. I am satisfied they have been served.
2. It is conceded by Mr Avery that the First-tier Tribunal Judge made an error of law for the reasons set out in the grounds of appeal to the Upper Tribunal. I therefore set aside the ruling of the judge that the appeal had been abandoned.

3. The Upper Tribunal is in a position to re-make the decision. In view of the First-tier Tribunal Judge's findings on the alternative basis as set out in paragraphs 5 to 10 of his determination, Mr Avery conceded that the appellant's substantive appeal should be allowed. As the appellant already has temporary leave until 2020, it will be for the respondent to decide how this decision should be reflected in the grant of any further leave. It is unnecessary to point out the importance of consistency in decision-making and I note that the other members of the appellant's family in the UK have been granted indefinite leave.

ANDREW JORDAN
DEPUTY JUDGE OF THE UPPER TRIBUNAL
20 December 2018