



**Upper Tribunal  
(Immigration and Asylum Chamber)  
PA/04310/2020**

**Appeal Number:  
(UI-2021-001006)**

**THE IMMIGRATION ACTS**

**Decided at Cardiff Civil Justice  
Centre  
Under rule 34 by consent  
On 17 March 2022**

**Decision & Reasons  
Promulgated  
On the 25 April 2022**

**Before**

**UPPER TRIBUNAL JUDGE GRUBB**

**Between**

**G A J  
(Anonymity Direction in force)**

Appellant

**and**

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

Respondent

**Representation:**

For the Appellant: Mr J Howard, Fountain 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 decision of the First-tier Tribunal sent out on 5 May 2021 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 C H O'Rourke.

Signed

**Andrew Grubb**

Judge of the Upper Tribunal  
17 March 2022