



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

Appeal Number: PA/09968/2019
[CMS: UI-2021-000045]

THE IMMIGRATION ACTS

**Field House
On 22 February 2022**

**Decision & Reasons Promulgated
On 24 March 2022**

Before

UPPER TRIBUNAL JUDGE PITT

Between

**MD TORIQUL ISLAM
(ANONYMITY DIRECTION NOT MADE)**

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

DECISION AND REASONS

1. This is an appeal against the decision issued on 24 October 2019 of First-tier Tribunal Judge Cooper which dismissed the appellant's appeal.
2. As a result of the transition to electronic cases in the First-tier Tribunal and the Upper Tribunal, there has been a grant of permission in this appeal by both the First-tier Tribunal and the Upper Tribunal. First-tier Tribunal Chohan granted permission on 12 October 2021. His decision sets out the background where an original refusal of permission by the First-tier Tribunal was set aside. Upper Tribunal Plimmer, unaware of the refusal, set aside and grant of First-tier Tribunal Judge Chohan, also granted permission on 15 November 2021.
3. The respondent has provided a Rule 24 response dated 9 February 2022 to the grant of permission by Upper Tribunal Judge Plimmer. The respondent

accepts that the grounds show a material error on a point of law, concedes the appeal before the Upper Tribunal and accepts that the appeal should be remitted to be remade afresh before the First-tier Tribunal. It is not clear if this concession was made with sight of the grant of permission by First-tier Tribunal Chohan but where the grounds are the same, that would not appeal to be a bar to the appeal before the Upper Tribunal being disposed of as suggested by the respondent in the Rule 24 response.

4. The Upper Tribunal therefore finds an error of law in the decision of First-tier Tribunal Cooper and sets it aside to be remade afresh before the First-tier Tribunal.
5. The First-tier Tribunal should be aware that there is a CMS file for this appeal and also, following the confusion concerning the two grants of permission, a paper file.

6. Notice of Decision

7. The decision of the First-tier Tribunal discloses an error on a point of law and is set aside to be remade afresh in the First-tier Tribunal.

Signed: S Pitt
Upper Tribunal Judge Pitt

Date: 22 February 2022