



IN THE UPPER TRIBUNAL
IMMIGRATION AND ASYLUM CHAMBER

Case No: UI-2022-003447
On appeal from:
HU/03578/2020

THE IMMIGRATION ACTS

Decision & Reasons Issued:
On the 29 March 2023

Before

UPPER TRIBUNAL JUDGE GLEESON
DEPUTY UPPER TRIBUNAL JUDGE METZER KC

Between

MOHAMMED UZZAL SHAKE

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Mr Greg O’Ceallaigh Coleman of Counsel, instructed by
Zyba Law

For the Respondent: Mr Stephen Walker, a Senior Home Office Presenting
Officer

Heard at Field House on 20 January 2023

DECISION OF THE UPPER TRIBUNAL

PURSUANT TO RULE 40(3)(a) OF
THE TRIBUNAL PROCEDURE (UPPER TRIBUNAL) RULES 2008

- 1. This decision is amended by reference to rule 43(2)(d) of the Tribunal Procedure (Upper Tribunal) Rules 2008 (as amended).**

2. **We substitute a decision allowing the appeal outright.**
3. The respondent appeals with permission from the decision of the First-tier Tribunal, First-tier Tribunal Wood, allowing the appellant's appeal against the respondent's decision made on 20 February 2020 to refuse his application for permission to remain the basis of ten years' residence and on his private life in the UK made under paragraphs 322 (2) and 322 (5) and under paragraphs 276B of the Immigration Rules. The respondent maintained that that the appellant, a citizen of Bangladesh, had knowingly been engaged in fraud relating to the Educational Testing Service.
4. It is common ground that the First-tier Tribunal did materially err in law in failing to give adequate reasons for finding that the appellant, did not commit fraud and both parties agree that this is a case where the appeal should be allowed outright.
5. We are satisfied that the decision of the First-tier Tribunal can properly be set aside without a reasoned decision notice.

Decision

6. We set aside the decision of the First-tier Tribunal.
7. The appeal is allowed by consent of both parties.

Judith Gleeson
Date 29 March 2023
Upper Tribunal Judge Gleeson