



IN THE UPPER TRIBUNAL
(IMMIGRATION AND ASYLUM CHAMBER) Case No: UI-
2022-006201

UI-2022-006202
UI-2022-006203

First tier No's: HU/56624/2021
HU/56618/2021
HU/56615/2021

Heard at Belfast RCJ
On 31 July 2023

Decision & Reasons Issued
On 2 October 2023

THE IMMIGRATION ACTS

Before

MR JUSTICE DOVE

Between

Sajeda Akter Mahiah and others

Appellant

-and-

SECRETARY OF STATE FOR THE HOME DEPARTMENT

Defendant

**AND UPON hearing the sponsor in person and counsel for
the defendant.**

1. The appeal is allowed and the matter is remitted to the First-tier Tribunal for re-making with none of the factual findings of the First-tier Tribunal preserved.

Reasons:

1. It has been conceded by the Respondent that the decision of the First-tier Judge contained at least one error of law and that the matter requires re-making. Having reviewed the papers, but without the benefit of full argument, I am of the view that this matter should be redetermined in full without the preservation of any of the findings of fact made by the First-tier Judge.
2. Whilst ordinarily the appropriate course in a case such as this would be for the case to be retained in the Upper Tribunal for redetermination, that was not possible today as the appellant was not represented. It may be some time before the Upper Tribunal could hear the remaking and, in particular as these cases involve children, I am concerned that the remaking should happen as soon as possible. In the circumstances that is far more likely to be achieved in the First-tier Tribunal than the Upper Tribunal. I have therefore remitted the case, and it is to be hoped that the First-tier Tribunal will be able to hear this appeal as soon as possible.

Ian Dove

President of the Upper Tribunal Immigration and Asylum
Chamber

Dated this 31st day of July 2023