



IN THE UPPER TRIBUNAL
IMMIGRATION AND ASYLUM CHAMBER

Case No: UI-2022-004769
First-tier Tribunal No:
EA/01162/2022

THE IMMIGRATION ACTS

Decision & Reasons Issued:
On the 15 August 2024

Before

UPPER TRIBUNAL JUDGE RIMINGTON

Between

David SINA
(NO ANONYMITY ORDER MADE)

Appellant

and

The Secretary of State for the Home Department

Respondent

Determined on the papers at Field House on 8 August 2024

DECISION AND REASONS

1. Following a consent order issued under Rule 39(1) of The Tribunal Procedure (Upper Tribunal) Rules 2008 and which is attached hereto, the Tribunal finds in the light of Vasa v Secretary of State for the Home Department [2024] EWCA Civ 777 that the identical stamp to that applied to Mr Sina's passport constituted facilitation of admission in accordance with Article 10(2) of the Withdrawal Agreement.
2. The decision of Judge Pickering, made on 22nd June 2022, is a careful decision but is set aside because the judge found the stamp in the appellant's passport to be a relevant document which according to [61] of Vasa it is not. The judge did consider facilitation, in the alternative, but it is not altogether clear that her reasoning is made out. Indeed this issue, which is complex, has been subject to full analysis by the Court of Appeal. Similar to the position in Vasa at [62], the rights of the appellant here were facilitated by the acts of the immigration officer

and thus the appellant falls within the scope of Article 10(2). The decision is remade and the appeal is allowed.

Notice of Decision

The appeal is allowed.

H Rimington

Judge of the Upper Tribunal Rimington
Immigration and Asylum Chamber

8th August 2024