



**IN THE UPPER TRIBUNAL**  
**IMMIGRATION AND ASYLUM CHAMBER**

Case No: UI-2024-002749  
FtT No: HU/50784/2023  
LH/01697/2024

**THE IMMIGRATION ACTS**

**Decision & Reasons Issued:  
On 21<sup>st</sup> October 2024**

**Before**

**UPPER TRIBUNAL JUDGE LANE**

**Between**

**EMBI BAKALLI**

**(NO ANONYMITY ORDER MADE)**

**and**

**Secretary of State for the Home Department**

Appellant

Respondent

**Representation:**

For the Appellant: Mr J Collins

For the Respondent: Ms Gilmour, Senior Presenting Officer

**Heard at Field House on 16 October 2024**

**DECISION AND REASONS**

1. The appellant is a citizen of Albania born on 9th August 1984. He appealed to the First-tier Tribunal against a decision of the respondent dated 18 January 2023 refusing his application for leave to remain in the United Kingdom. The First-tier Tribunal dismissed his appeal. He now appeals to the Upper Tribunal.
2. At the initial hearing before the Upper Tribunal, Ms Gilmour, Senior Presenting Officer for the respondent, told me that the Secretary of State now accepts that the First-tier Tribunal erred in law such that its decision should be set aside. In particular, the judge had failed to have any or any adequate regard for the best interests of the appellant's child pursuant to

Section 55 of the Borders, Citizenship and Immigration Act 2009. I agree that the judge's analysis is in general inadequate as regards the child, its best interests and the likely effects of removal to Albania. Accordingly, I set aside the decision together with all the findings of fact and return the appeal to the First-tier Tribunal for that Tribunal to remake the decision following a hearing *de novo*.

**Notice of Decision**

The decision of the First-tier Tribunal is set aside. The appeal is returned to the First-tier Tribunal for that Tribunal to remake the decision following a hearing *de novo*.

**C. N. Lane**

Judge of the Upper Tribunal  
Immigration and Asylum Chamber

**Dated: 16 October 2024**