



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

Appeal Number: IA/21590/2015

THE IMMIGRATION ACTS

**Heard at Field House
On 25 October 2017**

**Decision Promulgated
On 26 October 2017**

Before

Upper Tribunal Judge Southern

Between

SECRETARY OF STATE FOR THE HOME DEPARTMENT

Appellant

and

OLALEKAN SALIU FOLARIN

Respondent

Representation:

For the Appellant: Ms Z. Ahmad, Senior Home Office Presenting Officer
For the Respondent: Ms F. Allen, of Counsel

DECISION

1. It is common ground and agreed between the parties that First-tier Tribunal Judge Majid made material errors of law in determining this appeal and that his decision to allow the appeal cannot be defended and so must be set aside. It is also agreed between the parties that the inevitable consequence is that the appeal must be remitted to the First-tier Tribunal to be determined afresh by a judge other than Judge Majid.

2. In the face of such consensus, it is necessary for me only to record that I have no doubt that the parties are correct and that for those reasons the determination of Judge Majid must be set aside.

Summary of decision:

3. First-tier Tribunal Judge Majid made errors of law material to the outcome of this appeal and his decision to allow the appeal is set aside.
4. The appeal to the Upper Tribunal is allowed to the extent that the appeal is remitted to the First-tier Tribunal to be determined afresh by a judge other than Judge Majid.

Signed



Upper Tribunal Judge Southern
Date: 25 October 2017