



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

Appeal Number: EA/00067/2018

THE IMMIGRATION ACTS

**On the papers
On 21 January 2020**

**Decision & Reasons Promulgated
On 28 January 2020**

Before

UPPER TRIBUNAL JUDGE HANSON

Between

**ASIYA MAHROOF
(Anonymity direction not made)**

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

DECISION AND REASONS

1. On 10 July 2019 the Upper Tribunal found an error of law had been made in the decision of the First-tier Tribunal and set that decision aside, albeit with preserved findings.
2. The further listing of the appeal was adjourned with directions. On the 4 October 2019 the respondent sought to delay the relisting in light of the respondents challenge to the decision in ZA [2019] UKUT 281 to the Court of Appeal.
3. On 24 December 2019 Mr Mills, the Senior Home Office Presenting Officer with conduct of the matter on behalf of the respondent, sent a further email which contains the following:

“... my current instruction is to accept that ZA is to be followed by the Upper Tribunal in remaking this appeal. The application of the guidance in ZA to the facts of this case (as made by the First-tier Tribunal Judge and preserved in your error of law decision in July) leads to the inevitable conclusion that the appeal falls to be allowed.

In the circumstances, the Upper Tribunal is invited to allow the appeal without relisting for an oral hearing, to save costs to the parties.”

4. In light of the above the appeal under the EEA Regulations is allowed.

Decision

5. **I remake the decision as follows. This appeal is allowed.**

Anonymity.

6. The First-tier Tribunal did not make an order pursuant to rule 45(4)(i) of the Asylum and Immigration Tribunal (Procedure) Rules 2005.

I make no such order pursuant to rule 14 of the Tribunal Procedure (Upper Tribunal) Rules 2008.

Signed.....
Upper Tribunal Judge Hanson

Dated the 21 January 2020.