



IAC-FH-CK-V1

**Upper Tribunal
(Immigration and Asylum Chamber) Appeal Number: HU/17181/2018**

THE IMMIGRATION ACTS

**Heard at Field House
On 27 October 2020**

**Decision & Reasons Promulgated
On 02 November 2020**

Before

UPPER TRIBUNAL JUDGE ALLEN

Between

**RAM GURUNG
(ANONYMITY DIRECTION NOT MADE)**

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

DECISION AND REASONS

1. The appellant is a national of Nepal. He appealed to a Judge of the First-tier Tribunal against the Secretary of State's decision of 11 July 2018 refusing his application for entry clearance to the United Kingdom.
2. The judge dismissed the appeal and the appellant sought and was granted permission to appeal to the Upper Tribunal.
3. The Secretary of State has accepted that the judge's decision should be set aside and the appeal be remitted to the First-tier Tribunal for a fresh hearing, bearing in mind the grounds of challenge, which are that the judge erred in taking an incorrect approach to the Devaseelan guidance, particularly so in light of the significant amount of new evidence provided since the previous Tribunal decision. I agree.

4. Accordingly, this appeal is allowed to the extent that it is remitted for rehearing in the First-tier Tribunal at Taylor House before a judge other than Judge Traynor.

Notice of Decision

The appeal is allowed to the extent set out above.

No anonymity direction is made.

A handwritten signature in black ink, appearing to be 'Allen', written in a cursive style.

Signed
Upper Tribunal Judge Allen

Date 28 October 2020