



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

Appeal Number: UI-2023-005381
Previous Appeal Number: EA/01679/2023

THE IMMIGRATION ACTS

**Heard at Birmingham CJC
On 24 May 2014**

Decision & Reasons Promulgated

On 6th June 2024

Before

**UPPER TRIBUNAL JUDGE HANSON
DEPUTY JUDGE OF THE UPPER TRIBUNAL McCARTHY**

Between

**VAHIDBHAI ABDULLAH PATEL
(ANONYMITY DIRECTION NOT MADE)**

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: No attendance

For the Respondent: Mr C Bates, Home Office Presenting Officer

DECISION AND REASONS

1. Both judges have contributed to this decision.
2. The appellant appeals, with permission of Upper Tribunal Judge Reeds, against the decision of First-tier Tribunal Judge Beg that was issued on 8 November 2023.
3. There was no attendance by or for the appellant by 10.40 am despite our clerk making repeated checks. We considered rule 38 of the Tribunal Procedure (Upper Tribunal) Rules 2008. Although representing himself, we are satisfied the appellant was properly notified of the hearing because he

had provided a written submission. We were satisfied that it was fair and just to proceed in his absence because, as is indicated below, we were able to deal with the issues in his absence based on the written submissions received and the oral submission made by Mr Bates.

4. Mr Bates conceded that the decision contains a material legal error as advanced in the grounds and that it should be set aside. He submitted that there was no need to remit the appeal to the First-tier Tribunal because on the available evidence the decision should be remade to allow the appeal.
5. We adopt the concession and submissions made as our own as they coincide with our provisional views when preparing for the hearing.

Notice of Decision

The decision of First-tier Tribunal Judge Beg contains legal error and is set aside.

We remake the decision to allow the appeal such that the appellant qualifies for pre-settled status as set out in rule EU14.

Judge John McCarthy

Deputy Judge of the Upper Tribunal

Date: 24 May 2024