



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

Appeal Number: IA/41668/2013
IA/41675/2013
IA/41617/2013

THE IMMIGRATION ACTS

**Heard at Field House
On 23rd September 2014**

**Determination Promulgated
On 2nd October 2014**

Before

UPPER TRIBUNAL JUDGE COKER

Between

SECRETARY OF STATE FOR THE HOME DEPARTMENT

Appellant

And

ROC YACOEL BASSAMA + 2

Respondent

Representation:

For the Appellant: Mr Whitwell, Senior Home Office Presenting Officer
For the Respondent: Ms O Ukachi-Lois instructed by J R Immigration Ltd

DETERMINATION AND REASONS

1. First-tier Tribunal judge Petherbridge allowed the appeal of Mr Bassama and his two children in a determination promulgated after a hearing on 22nd May 2014 to the extent that it was remitted to the Secretary of State for a decision to be taken after full consideration of the father and the two children's human rights and the best interest of the children.

2. Quite simply this judge has failed to undertake the requirements of the appeal before him which is to determine the appeal on the grounds raised and on the basis of the evidence before him. Although it may well be that the Secretary of State had failed to adequately consider the claimants' human rights and the best interests of the children in accordance with s55, that is no excuse for the judge to fail to hear and determine the appeal before him given the extent of the evidence before him and the arguments and submissions raised.
3. The decision of the judge in so far as Article 8 is concerned is set aside and remitted to Judge Petherbridge to enable him to complete the hearing and reach a decision on all grounds as were pleaded before him.

Conclusions:

The making of the decision of the First-tier Tribunal did involve the making of an error on a point of law.

I set aside the decision in so far as it relates to Article 8.

I re-make the decision in the appeal by remitting it to Judge Petherbridge to enable him to complete his determination.

Date 29th September 2014

Upper Tribunal Judge Coker