



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

Appeal Number: VA/16547/2013

**THE IMMIGRATION ACTS**

**Heard at Field House**

**On 7<sup>th</sup> August 2014**

**Determination**

**Promulgated**

**On 19<sup>th</sup> August 2014**

**Before**

**DEPUTY UPPER TRIBUNAL JUDGE J G MACDONALD**

**Between**

**MS THELMA YAYRA TETTEH**

Appellant

**and**

**THE SECRETARY OF STATE FOR THE HOME DEPARTMENT**

Respondent

**Representation:**

For the Appellant: Mrs H Ephraim-Adejumo, Counsel, instructed by Welbeck Anin Solicitors

For the Respondent: Mr L Tarlow, Home Office Presenting Officer

**DETERMINATION AND REASONS**

1. The Appellant is a citizen of Ghana who appealed against the decision of the Respondent on 15<sup>th</sup> July 2013 to refuse to grant her entry clearance to the United Kingdom as a visitor under paragraph 41 of the Immigration

Rules. Her appeal was heard by First-tier Tribunal Judge Hodgkinson who dismissed it.

2. Grounds of application were lodged. The judge had taken issue with a letter from H O Polytechnic dated 18 June 2013 which indicated that the Appellant was a first year student. However, as stated in the grounds, there was ample other evidence to suggest that this was a typing error and that evidence had not been taken into account by the judge.
3. Permission to appeal was granted by Designated Judge Garratt and in a Rule 24 Notice dated 1st July 2014 the Respondent did not oppose the Appellant's application.
4. Thus the matter came before me on the above date.

### **The Oral Hearing**

5. Before me the parties agreed that the decision should be set aside because the judge had fallen into making an error in law.
6. For the Appellant Counsel asked that the matter be adjourned as the main Sponsor was not available - the Tribunal had been given prior notice of this but had refused to adjourn today's hearing.
7. The Home Office had no objection to this course.
8. In these circumstances the determination of the First-tier Tribunal is set aside in its entirety. No findings of the First-tier Tribunal are to stand. Under Section 12(2)(b)(i) of the 2007 Act and of Practice Statement 7.2 the nature and extent of judicial fact finding necessary for the decision to be remade is such that it is appropriate to remit the case to the First-tier Tribunal.

### **Decision**

9. The making of the decision of the First-tier Tribunal did involve the making of an error on a point of law.
10. I set aside the decision.
11. I remit the case to the First-tier Tribunal.

Signed

Date

Deputy Upper Tribunal Judge J G Macdonald