



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

**Appeal Number: IA/12720/2014**

**THE IMMIGRATION ACTS**

**Heard at Birmingham Magistrates Court  
On 25 January 2016**

**Decision and Reasons Promulgated  
On 4 February 2016**

**Before**

**DEPUTY JUDGE OF THE UPPER TRIBUNAL CHANA**

**Between**

**MRS OLHA STOLBOVA**  
(Anonymity Direction Not Made)

Appellant

**and**

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

Respondent

**Representation:**

For the Appellant: Mr A Barret of Counsel  
For the Respondent: Mr D Mills, Senior Presenting Officer

**DECISION AND REASONS**

1. The appellant is a citizen of Ukraine born on 19 December 1958 appeals against the decision of the respondent dated 24 February 2014 refusing his application for indefinite leave to remain in the United Kingdom pursuant to Article 8 of the European Convention on Human Rights in respect of her family and private life.
2. At the hearing it was accepted by both parties that four years have passed since the appeal was heard and dismissed by the First-tier Tribunal on the bases that the appellant's relationship with Mr Brian Christopher Ford was not genuine and subsisting. The only issue in the appeal before the First-tier Tribunal Judge and upon which the success of this appeal rested was whether the relationship between the appellant and

Mr Ford is a genuine and subsisting relationship. It was submitted that given the passage of time, there is updated evidence available which can shed light on the appellant's and Mr Ford's current circumstances. The appellant should be given an opportunity to provide this evidence as to her current relationship with Mr Ford.

3. The First-tier Tribunal found that Mr Ford had genuine feelings towards the appellant but did not find that the appellant reciprocated these feelings. Therefore, it is important, given the passage of time, that the updated evidence be considered by the First-tier and findings of fact made.
4. I therefore under Practice Direction 17 remit the appeal to the First-tier Tribunal for a hearing de novo on the first available date.

## **DECISION**

The appeal is remitted to first-tier Tribunal.

Signed by

A Deputy Judge of the Upper Tribunal

Mrs S Chana

Dated the 30<sup>th</sup> day of January 2016