



**Upper Tribunal
(Immigration and Asylum Chamber)
IA/38980/2014**

Appeal Number:

THE IMMIGRATION ACTS

**Heard at Field House
On 14 October 2015**

**Determination Promulgated
On 30 March 2016**

Before

DEPUTY UPPER TRIBUNAL JUDGE BAGRAL

Between

**AKLIMA JAHAN
(ANONYMITY ORDER NOT MADE)**

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Mr M B Hussain, Solicitor

For the Respondent: Mr P Duffy, Senior Home Office Presenting Officer

REMITTAL AND REASONS

1. This appeal is not subject to an anonymity order by the First-tier Tribunal. I have not been asked to make one and see no public policy reason for doing so and none is made.

Background

2. The Appellant is a citizen of Bangladesh born on 5 November 1989. She arrived in the UK with entry clearance conferring leave to enter as a Tier 4 (General) Migrant on 8 February 2010. Her leave was subsequently extended in the same capacity until 31 August 2013. On 23 August 2013 the Appellant made an in-time application for further leave to remain on

the basis of her family and private life. That application was refused on 30 September 2014.

3. The Appellant appealed to the First-tier Tribunal. The appeal was heard by Judge of the First-Tier Tribunal A Majid on 29 April 2015. In a decision promulgated on 6 May 2015, the Judge dismissed the appeal.
4. The Appellant sought permission to appeal and on 15 July 2015, Judge of the First-tier Tribunal Reid granted permission to appeal.
5. Thus, the appeal came before me.
6. At the outset of the hearing, Mr Duffy, who represented the Respondent, accepted that the Judge's decision could not stand. It was thus conceded that the Judge materially erred in law. In light of the Respondent's concession, I announced at the hearing that I was satisfied that the Judge's decision contained material errors of law for the following reasons.
7. Whilst the Judge stated that he had "outlined the evidential elements of the evidence adduced on behalf of the Appellant" [8], the decision is bereft of any detail of the Appellant's circumstances; the basis of the application and decision under appeal. The Judge did note at [16] that the Appellant and her husband came to the UK as students and could not therefore expect to be allowed to remain in the UK with their child born on 12 July 2013, his reasons for dismissing the appeal are with respect somewhat difficult to discern. What the Judge's decision amounts to is a recital of basic legal principles not directly material to the issues before him. I find that the decision is devoid of any meaningful analysis of the evidence and lacks reasoning and proper conclusions. I am thus satisfied that the Respondent's concession is properly made.

Decision and Disposal

8. On that basis, and in light of the Respondent's concession, I set aside the decision of the First-tier Tribunal. With the consent of the parties, I remit the appeal for a *de novo* rehearing before the First-tier Tribunal to be heard by a judge other than Judge A Majid.

Signed:

Dated: 30 March 2016

Deputy Upper Tribunal Judge Bagral