



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

Appeal Number: IA454632014

**THE IMMIGRATION ACTS**

**No hearing  
29 April 2016**

**Decision Promulgated on  
23 May 2016**

**Before**

**MR C M G OCKELTON, VICE PRESIDENT**

**Between**

**MAGALIE BAMU**

Appellant

**and**

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

Respondent

**DECISION**

1. The reasons for the grant of permission in this case read as follows:-

“1. I accept that the application was a day late because of the sudden, temporary but disabling illness of a member of the appellant’s solicitor’s staff and I extend time.

2. The appellant is a citizen of France currently serving a sentence of life imprisonment with a minimum term of 25 years for her part in the sadistic murder of her brother then aged 15 years and the serious assault of her sister aged 20 and a female child aged 11. These stark facts are repulsive but understate the nature of the appellant's crimes.
  3. Nevertheless I give permission to appeal the decision to dismiss her appeal against a decision to deport her.
  4. There is clearly arguable merit in counsel's contention that a person serving a prison sentence *cannot* represent a genuine, present and sufficiently serious threat affecting one of the fundamental interests of society because of something that she might do when she is released and particularly when she cannot be released for another 22 years.
  5. I also give permission to appeal the decision that, contrary to the NOMS report, there is more than a low risk of the appellant re-offending. The grounds rightly recognise that the Tribunal is not bound to follow the NOMS report but it is arguable the Tribunal had no evidence to support its decision."
2. Following a number of procedural delays the following directions were sent out on 19 April 2016:
- "1. The Tribunal notes that despite the grant of an extension of time for a response under rule 24 (the time for such a response having long passed) no response has been submitted.
  2. In the circumstances the Tribunal proposes to assume that the Secretary of State has not reasoned opposition to this appeal and proposes to allow it, on the basis of the grounds upon which permission was granted, without more ado.
  3. Any submissions to the contrary must be made so as to be received within 7 days of the sending of these Directions."
3. There has been no response. The appeal is allowed. I set aside the decision of the First-tier Tribunal and substitute a decision allowing the appeal.

C. M. G. OCKELTON  
VICE PRESIDENT OF THE UPPER TRIBUNAL  
IMMIGRATION AND ASYLUM CHAMBER  
Date: 12 May 2016