



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

Appeal Number: HU/08745/2015

**THE IMMIGRATION ACTS**

**Heard at Field House**

**Decision & Reasons  
Promulgated**

**On 26 October 2017**

**On 31 October 2017**

**Before  
UPPER TRIBUNAL JUDGE JORDAN**

**Between**

**The Secretary Of State For The Home Department**

Appellant

**and**

**Mahfouz Aw**

Respondent

**Representation:**

For the Secretary of State: Mr C. Bates, Home Office Presenting Officer,  
instructed by

For the respondent: Mr T. Lawrence, Southwark Law Centre

**DECISION ON ERROR OF LAW**

1. The Secretary of State appeals against the determination of First-tier Tribunal Judge Majid. However, for the sake of continuity, I shall refer to Mr Aw as the appellant as he was before the First-tier Tribunal.
2. This is one of 4 cases in my list today all of which concerns determinations made by First-tier Tribunal Judge Majid (HU/08143/2015; HU/08745/2015; HU/09167/2015; IA/45841 & 48501/2014).
3. In each of the cases the appeal was determined in the appellant's favour to the effect that the Judge was persuaded that the appellant

came within the relevant Immigration Rules sometimes by reference to having the benefit of a discretion (which the Judge did not possess).

4. All the determinations are strikingly similar. The bulk of the determination contains general comments, touching upon the law but in terms that no specific legal thread is identified that bears upon the appellant's case. Some of it is anecdotal [paragraph 23] and some at such a basic level as not to have required mention [paragraphs 18 and 21 (a)]. There is a fair degree of the homespun about it. Almost all can fairly be described as irrelevant, [paragraph 18]. Some is unintelligible [paragraph 21(b)]. Some is simply wrong [paragraphs 17]. The effect is that I cannot with confidence rely upon the process of decision making as a whole.
5. Credibility appears to have been only partially disposed of (counter-intuitively, perhaps) in paragraph 15 by conceding the answers in interview were '*outrageously incorrect*' and misleading but fairness demanded he was given '*human care and judicial compassion.*'
6. The determination does not reveal the nature of the application nor the respondent's approach to it. The legal framework is not referred to. We would not know that this was a claim made by the applicant for further leave to remain on the basis that removal would violate his protected private life; that it was governed by Appendix FM and paragraph 276ADE(1) and that the applicant had to demonstrate very significant obstacles to the claimant's integration into Senegal where he had spent his formative years.
7. Regrettably, the First-tier Tribunal Judge failed to write a determination that properly dealt with the legal and factual issues he was tasked to resolve. I set aside the decision and remit the matter to the First-tier Tribunal for it to be remade.

## DECISION

The Judge made an error on a point of law and I set the determination aside. I remit the appeal to the First-tier Tribunal to enable the decision to be re-made.

ANDREW JORDAN  
JUDGE OF THE UPPER TRIBUNAL  
16 November 2017

