



Upper Tribunal
(Immigration and Asylum Chamber)

Appeal Number: HU/10523/2017

THE IMMIGRATION ACTS

Heard at Civil Justice Centre, Manchester
On 4th June 2018

Decision & Reasons Promulgated
On 5th June 2018

Before

UPPER TRIBUNAL JUDGE COKER

Between

AB
(ANONYMITY ORDER MADE)

Appellant

And

SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: the appellant's mother appeared for the appellant
For the Respondent: Mr P Duffy, Senior Home Office Presenting Officer

DECISION AND REASONS

Pursuant to Rule 14 of the Tribunal Procedure (Upper Tribunal) Rules 2008 (SI 2008/269) I make an anonymity order. Unless the Upper Tribunal or a Court directs otherwise, no report of these proceedings or any form of publication thereof shall directly or indirectly identify the original Appellant/parties in this determination identified as AB. This direction applies to, amongst others, all parties. Any failure to comply with this direction could give rise to contempt of court proceedings

1. The appellant, a 13 years old child, was granted permission to appeal the decision of First-tier Tribunal Judge Chambers on the grounds that it was arguable the judge had erred in law in failing to consider and make findings on the impact on the child of leaving her maternal family in the UK. The judge refers in his decision

to the paucity of evidence in connection with the paternal family. The appellant appears to have been in the UK more or less constantly since 2013.

2. Mr Duffy, informed me that he had difficulty in being able to submit that the First-tier Tribunal judge had properly and fully considered the best interests of the appellant in the context of her relationship with her mother and sibling and was of the view that he could not submit that there had been no material error of law by First-tier Tribunal Judge Chambers.
3. In the light of Mr Duffy's submissions and the grounds relied upon I am satisfied there is a material error of law and set aside the decision to be remade.
4. Considerable fact finding is required in this appeal and, in accordance with the Practice Direction, I remit the appeal to the First-tier Tribunal.

Conclusions:

The making of the decision of the First-tier Tribunal did involve the making of an error on a point of law.

I set aside the decision and remit the appeal to the First-tier Tribunal.

Anonymity

The First-tier Tribunal made an order pursuant to rule 45(4)(i) of the Asylum and Immigration Tribunal (Procedure) Rules 2005.

I continue that order (pursuant to rule 14 of the Tribunal Procedure (Upper Tribunal) Rules 2008).



Date 4th June 2018

Upper Tribunal Judge Coker