



Upper Tribunal  
(Immigration and Asylum Chamber)

Appeal Number: PA/04340/2017

**THE IMMIGRATION ACTS**

Heard at Manchester  
On 19<sup>th</sup> April 2018.

Decision & Reasons Promulgated  
On 15<sup>th</sup> May 2018

Before

Upper Tribunal Judge Chalkley

Between

SECRETARY OF STATE FOR THE HOME DEPARTMENT

Appellant

and

OYEBUSOLA ALLI  
(ANONYMITY DIRECTION NOT MADE)

Respondent

**Representation:**

*For the Appellant:*

*Mr A McVeety, Home Office Presenting Officer*

*For the Respondent:*

*Mr B Chimpango, Solicitor instructed by Crown & Law Solicitors*

**DECISION AND REASONS**

*The First-tier Tribunal Judge made a direction regarding anonymity under Rule 13 of the Tribunal Procedure (First-tier Immigration and Asylum Chamber) Rules 2014. I see no good reason for this anonymity direction to continue and I discharge it.*

1. The appellant in this appeal is the Secretary of State for the Home Department and to avoid confusion I shall refer to her as being, "the claimant". The respondent is Ms Alli,

a citizen of Nigeria, born on 9<sup>th</sup> November 1963. Her daughter is Zenaab Alli, and she is also a Nigeria citizen, born on 13<sup>th</sup> August 1998.

2. The respondent made an application for asylum which was refused by the claimant. The respondent appealed to the First-tier Tribunal and her appeal was heard in Manchester on 22<sup>nd</sup> June 2015 by First-tier Tribunal Judge Agnew. The judge dismissed the appellant's appeal on asylum grounds, she dismissed the appeal on humanitarian protection grounds and dismissed the appeal on human rights grounds.
3. However, during the course of her determination, she considered the appellant's daughter and noted that she was no longer a child. The First Tier Tribunal Judge appears to have proceeded on the assumption that the respondent's daughter, Zenaab Alli, was an appellant to the First-tier Tribunal proceedings when in fact she was not.
4. The judge purported to consider a human rights appeal in respect of Zenaab Alli and concluded that her removal from the United Kingdom with the respondent would be disproportionate and not justified when weighed against the necessity of maintaining effective immigration control and public interest considerations. She purported to allow the appeal of Zenaab Alli. **The judge erred in law** in doing so, because at the date of the appeal Zenaab was an adult and was not a party to the appeal which had been launched by her mother in respect of the decision of the respondent taken on 25<sup>th</sup> April, 2017.
5. For the respondent and her daughter, Mr Chimpango told me that the judge was perfectly entitled to make the daughter part of the proceedings but, with respect to him, that cannot possibly be right because she was not a party to the appeal and was only treated as a dependant to her mother's asylum claim. When her mother appealed the Claimant's decision she did so solely in her name. In making her decision Judge Agnew did not, however, **materially** err in law in dismissing the appeal of the respondent, Ms Oyebusola Alli and I uphold her decision. **Her appeal is dismissed.**
6. Insofar as the judge purported to allow the appeal of Zenaab Alli, she was wrong to do so, because she failed to recognise that Zenaab Alli was not a party to the proceedings. Her decision in respect of Zenaab Alli is a nullity.

### **Notice of Decision**

The respondent's appeal is dismissed.

The anonymity direction is discharged.

*Richard Chalkley*

Upper Tribunal Judge Chalkley

**TO THE RESPONDENT**  
**FEE AWARD**

I have dismissed the appeal and therefore there can be no fee award.

*Richard Chalkley*  
Upper Tribunal Judge Chalkley

Dated 10 May 2018