



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

Appeal Number: HU/02468/2019 (P)

THE IMMIGRATION ACTS

**Decided Under Rule 34 Without a Hearing
On 27 April 2021**

**Decision & Reasons Promulgated
On 05 May 2021**

Before:

UPPER TRIBUNAL JUDGE GILL

Between

Ms Fatomata Barry
(ANONYMITY ORDER NOT MADE)

Appellant

And

Entry Clearance Officer

Respondent

DECISION AND REASONS

1. By a "*Decision and Directions*" promulgated on 21 January 2021, I decided that Judge of the First-tier Tribunal Hussain had materially erred in law in dismissing the appellant's appeal against a decision of the respondent of 3 January 2019. I therefore set aside the judge's decision. My reasons are given at paras 3-9 of the "*Decision and Directions*".
2. At para 11 of the "*Decision and Directions*", I stated that it appeared to me that it may be the respondent's position that the Upper Tribunal should allow the appellant's appeal on human rights grounds. I then proceeded to give directions which gave the parties an opportunity to address the Upper Tribunal on para 11 of the "*Decision and Directions*".
3. By a letter dated 31 January 2021, Mr C. Howells of the Specialist Appeals Team confirmed, on the respondent's behalf, that the respondent accepted that the Upper Tribunal should allow the appellant's appeal on human rights grounds, Article 8.
4. Accordingly, I re-make the decision on the appellant's appeal by allowing the appeal on human rights grounds, Article 8.

Decision

The making of the decision of the First-tier Tribunal involved the making of any error of law sufficient to require it to be set aside. The decision of Judge of the First-tier Tribunal Hussain was set aside. I re-make the decision on the appellant's appeal by allowing it on human rights grounds, Article 8.

Upper Tribunal Judge Gill

Date: 27 April 2021

NOTIFICATION OF APPEAL RIGHTS

1. A person seeking permission to appeal against this decision must make a written application to the Upper Tribunal. Any such application must be **received** by the Upper Tribunal within the **appropriate period** after this decision was **sent** to the person making the application. The appropriate period varies, as follows, according to the location of the individual and the way in which the Upper Tribunal's decision was sent:
2. Where the person who appealed to the First-tier Tribunal is **in the United Kingdom** at the time that the application for permission to appeal is made, and is not in detention under the Immigration Acts, the appropriate period is **12 working days (10 working days, if the notice of decision is sent electronically)**.
3. Where the person making the application is in detention under the Immigration Acts, **the appropriate period is 7 working days (5 working days, if the notice of decision is sent electronically)**.
4. Where the person who appealed to the First-tier Tribunal is **outside the United Kingdom** at the time that the application for permission to appeal is made, the appropriate period is **38 days (10 working days, if the notice of decision is sent electronically)**.
5. A "working day" means any day except a Saturday or a Sunday, Christmas Day, Good Friday or a bank holiday.
6. The date when the decision is "sent" is that appearing on the covering letter or covering email