



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

Appeal Number: IA/12006/2013

THE IMMIGRATION ACTS

**Prepared at Field House On the Papers
On 29 November 2013**

**Determination
Promulgated
On 16 December 2013**

Before

UPPER TRIBUNAL JUDGE CRAIG

Between

MISS PRIMROSE MUSHABE

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

DETERMINATION AND REASONS

1. The appellant, a national of Uganda who was born on 10 October 1987, has appealed against a decision of Designated First-tier Tribunal Judge Murray, who had dismissed her appeal against the respondent's decision refusing her permission to remain on the basis of her family life. At the same time as refusing this application, the respondent had made a decision to remove the appellant by way of directions under Section 47 of the Immigration, Asylum and Nationality Act 2007. In her determination, Judge Murray made no mention of the removal decision.

2. On 14 October 2013, I refused permission to appeal against the substantive decision, which gave permission to appeal limited to arguing that the Section 47 decision was not in accordance with the law. At the same time, in a Notice of Provisional Decision, I indicated to the parties that it was the provisional view of the Tribunal that the appellant's appeal against the removal decision should be allowed without a hearing to the extent that this decision was not in accordance with the law.
3. I stated further that before giving a formal determination to this effect, I would consider any representations as to why I should not make such a decision, so long as these were filed with the Tribunal by no later than 7 days after this Notice had been sent to the parties.
4. Following service on the parties of my decision granting permission to appeal and of my Notice of Provisional Decision setting out the Tribunal's provisional view, a response was received from the respondent, dated 31 October 2013, expressing agreement with this provisional view. No further representations have been received from or on behalf of the appellant.
5. Accordingly, I now make the decision which I indicated I intended to make.

Decision

I set aside the determination of the First-tier Tribunal as containing a material error of law and substitute the following decision:

The appeal against the respondent's substantive decision, refusing to grant the appellant permission to remain, is dismissed.

The appeal against the respondent's simultaneous decision to remove her by way of directions under Section 47 of the Immigration, Asylum and Nationality Act 2006 is allowed to the limited extent that this decision was not in accordance with the law.

Signed:

Dated: 10 December 2013

Upper Tribunal Judge Craig