



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

Appeal Number: HU/17298/2016

THE IMMIGRATION ACTS

Heard at Field House

On 24th October 2017

**Decision & Reasons
Promulgated
On 14th November 2017**

Before

DEPUTY UPPER TRIBUNAL JUDGE RENTON

Between

**SAMUEL OBUOBI
(ANONYMITY DIRECTION NOT MADE)**

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Mr A Haruma, Counsel instructed by Braidwood Law
Practice Solicitors

For the Respondent: Mr C Avery, Home Office Presenting Officer

DECISION AND REASONS

Introduction

1. The Appellant is a male citizen of Ghana, born on 8th September 1974. He first arrived in the UK on 20th November 2010 when he was given leave to enter as a visitor until 1st May 2011. He then applied for leave to remain as the father of a British citizen, namely Jaydan John Obuobi born on 5th November 2015. That application was refused for the reasons given in a

Reasons to Refuse letter dated 21st June 2016. The Appellant appealed, and his appeal was considered on the papers by Judge of the First-tier Tribunal Judge Majid (the Judge) on 2nd November 2016. He decided to dismiss the appeal for the reasons given in his Decision dated 5th November 2016. The Appellant sought leave to appeal that decision, and on 17th February 2017 such permission was granted.

Error of Law

2. I must first decide if the decision of the Judge contained an error on a point of law so that it should be set aside.
3. It is by no means clear from the Decision why the Judge dismissed the appeal. Suffice it to say that at the hearing before me Mr Avery conceded that there was a material error of law in the decision of the Judge. I therefore find that there was such an error of law and as a consequence set aside the decision of the Judge. There is no need for me to give my full reasons for that decision in accordance with the provisions of Rule 40(3)(a) of the Tribunal Procedure (Upper Tribunal) Rules 2008. I did not proceed to re-make the decision in the appeal in accordance with paragraph 7.2(b) of the Practice Statements as there is a substantial amount of judicial fact-finding still to be done.

Notice of Decision

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 that decision.

The decision in the appeal will be re-made by the First-tier Tribunal.

Anonymity

The First-tier Tribunal did not make an order for anonymity. I was not asked to do so and indeed find no reason to do so.

Signed

Date 13th November 2017

Deputy Upper Tribunal Judge Renton