



Upper Tribunal
(Immigration and Asylum Chamber)

Appeal Number: HU/06639/2016

THE IMMIGRATION ACTS

Heard at Field House
On: 20 April 2018

Decision and reasons Promulgated
On: 17 July 2018

Before

DEPUTY JUDGE OF THE UPPER TRIBUNAL CHANA

Between

MISS NYAMEKA UMATHI SICWEBU
(ANONYMITY DIRECTION NOT MADE)

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the appellant: Mordi & Co Solicitors

For the respondent: Mr P Nath, Senior Presenting Officer

DECISION AND REASONS

1. The appellant, a citizen of South Africa, born on 19 February 2016 appealed against the decision of the respondent dated, refusing to issue her with leave to remain on the basis that her removal would put the United Kingdom in breach of its obligations under the Human Rights Act.
2. First-tier Tribunal Judge Cohen dismissed the appellant's appeal in a decision dated 2 June 2017. Permission to appeal was granted by first-tier Tribunal Judge Saffer who

stated that the allegations against the First-tier Tribunal Judge of “intimidation” and missed recording evidence may be argued. He also stated that the detailed statement will need to be produced setting out exactly what occurred at the hearing together with a copy of the notes of the evidence taken at the hearing.

3. At the hearing it was agreed by both parties that there has been a material error of law because of the allegations made by the appellant that the Judge mis-recorded the evidence. It was agreed that on those basis, the appeal be remitted to the First-tier Tribunal for it to be heard de novo.
4. In the circumstances, I direct that the appeal be placed before any First-tier Tribunal Judge apart from First-tier Tribunal Judge Cohen for hearing. I further direct that the appellant produces a detailed statement setting out exactly what occurred at the previous hearing and with a copy of the notes of evidence taken at that hearing.

Decision

Appeal be remitted to the First-tier Tribunal

Signed by

This 16th day of July 2018

A Deputy Judge of the Upper Tribunal

Mrs S Chana