



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

Appeal Number: HU/10003/2017

THE IMMIGRATION ACTS

**Heard at Field House
On 27th September 2018**

**Decision & Reasons
Promulgated
On 25th October 2018**

Before

DEPUTY UPPER TRIBUNAL JUDGE JUSS

Between

**MR ATAKORA [A]
(ANONYMITY DIRECTION NOT MADE)**

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Ms S Praisoody (Counsel)

For the Respondent: Ms K Pal (Senior HOPO)

DECISION AND REASONS

1. This is an appeal against a determination of First-tier Tribunal Judge Graham, promulgated on 17th May 2018, following a hearing at Birmingham on 16th April 2018. In the determination, the judge purported to dismiss the appeal of the Appellant, although the body of the determination suggests an intention to have allowed the appeal.

The Appellant

2. The Appellant is a citizen of Ghana. He was born on 3rd December 1977. He appealed against the decision of the Respondent dated 25th August 2017 refusing his application to remain in the UK on the basis of his British children living in the UK and his parental relationship with his partner's British children.
3. By a decision dated 17th May 2018, the judge dismissed the appeal, whereupon the Appellant subsequently applied for, and was granted, permission to appeal to the Upper Tribunal.
4. In the grounds of permission, it is stated that the grounds are clearly arguable (at paragraphs 22 to 30) because it was the judge's intention to allow the appeal. Immediately above the judge's signature it is recorded that the appeal is dismissed. The slip rule cannot be used to correct what appears to be a straightforward typing error given that it affects the ultimate decision on the appeal: **Katsonga [2016] UKUT 228**. It would also not be appropriate to set aside Judge Graham's decision, which contains findings which the Appellant will wish to retain.

Submissions

5. At the hearing before me on 27th September 2018, both Ms Praisoody and Ms Pal were in agreement, and consented to this matter being remitted back to the First-tier Tribunal Judge for the decision to be corrected so that precisely that, which was the intention of the judge, namely, to allow the appeal, can be stipulated under the heading "decision". This would follow from the body of the determination, which ends at paragraph 29 with a clear intention to allow the appeal, based as it is on a careful and detailed consideration of both the facts and the applicable law. However, I do not see why that is necessary as it is open to this tribunal to make a finding of an error of law and to re-make the decision.

Notice of Decision

6. The decision of the First-tier Tribunal involved a material error of law because it purported to dismiss the appeal when the intention was to allow it. I re-make the decision by allowing the appeal of Mr. [A].
7. No anonymity direction is made.
8. This appeal is allowed.

Signed

Date

Deputy Upper Tribunal Judge Juss

20th October 2018