



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

Appeal Numbers: HU/18781/2018
HU/19499/2018
HU/19505/2018
HU/19508/2018
HU/19511/2018

THE IMMIGRATION ACTS

**Heard at Manchester
On 28 June 2019**

**Decision & Reasons Promulgated
On 22 August 2019**

Before

**DR H H STOREY
JUDGE OF THE UPPER TRIBUNAL**

Between

**MUHAMMAD [S] (FIRST APPELLANT)
MARYAM [A] (SECOND APPELLANT)
[H S] (THIRD APPELLANT)
[M S] (FOURTH APPELLANT)
[H S] (FIFTH APPELLANT)
(ANONYMITY DIRECTION NOT MADE)**

Appellants

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellants: Ms S Randera, Solicitor

For the Respondent: Miss E Groves, Home Office Presenting Officer

DECISION AND DIRECTIONS

1. The appellants, being husband and wife and three children, all citizens of Pakistan, have permission to challenge the decision of Judge Davies of the First-tier Tribunal (FtT) sent on 12 February 2019 dismissing their appeals against the decision made by the respondent on 7 September 2019 refusing them leave to remain.
2. It is unnecessary to go into detail because at the outset Miss Groves stated that the respondent conceded the judge had fallen into error and no longer opposed the appeals. That in my judgment was a realistic criticism since the judge's decision was plainly deficient in a number of respects.
3. For a start, it was extremely cursory. On no reading did it contain an adequate assessment of the best interests of the children or of the issue of whether it was reasonable to expect them to leave the UK. Second, despite noting that one of the children was a qualifying child born in February 2011, the judge stated that there was "no evidence" to indicate that it would not be reasonable to expect them to leave the UK. It may have been open to the judge to assess the evidence submitted to be of little weight, but to say there was "no evidence" was both absurd and in conflict with his own acknowledgment that there was such evidence at para 18. Third, despite the existence of a qualifying child, the judge nowhere took account of the need, established by case law and Home Office policy, to ask whether strong or powerful reasons could be shown for expecting this child to leave the UK. Fourth, to the extent that the judge considered reasonableness at all, he appears to have proceeded, at least in respect of the qualifying child, on the opposite basis from the correct one- that it was for the qualifying child a to show there were powerful reasons for her to remain.
4. Finally the judge's decision has all the appearance of a boilerplate recitation, virtually devoid of any indication that there has been an individual examination and assessment of the appellants' particular circumstances. Decisions of this ilk cause quite unnecessary work for the IAC Chambers and it is hoped that the judge will take heed when it comes to dealing with similar cases.
5. As a result of the judge's errors, it will be necessary that the appeals be heard again de novo. For that reason I remit it to the First-tier Tribunal. It should not be assumed that my setting aside of the decision means that the appellants are entitled to succeed in their appeals and indeed the grounds of appeal against the judge's decision are just as boilerplate as the judge's reasons, which is no help to the appellants.

6. To conclude:

The decision of the FtT judge is set aside for material error of law.

The case is remitted to the FtT (not before Judge Davies).

No anonymity direction is made.

Signed

Date: 18 August 2019

A handwritten signature in black ink that reads "H H Storey". The letters are cursive and connected.

Dr H H Storey
Judge of the Upper Tribunal