



**IN THE UPPER TRIBUNAL**  
**IMMIGRATION AND ASYLUM**  
**CHAMBER**

Case No: UI-2022-  
003860

First-tier Tribunal No HU/50370/2021  
IA/03791/2021

**THE IMMIGRATION ACTS**

**Decision & Reasons Issued:  
On 14<sup>th</sup> of November 2023**

**Before**

**DEPUTY UT JUDGE FARRELLY**

**Between**

**Ms AGNES FATMATA BANGURA**  
(anonymity order not made)

Appellant

**and**

**THE SECRETARY OF STATE FOR THE HOME DEPARTMENT**

Respondent

For the Appellant: Ms A Patyna of Counsel, instructed by Kate Fursdon  
Immigration Services Limited

For the Respondent: Mr S Walker, Senior Home Office Presenting Officer

Heard at Field House on 4th August 2023

**DECISION AND REASONS**

1. The appellant is a national of Sierra Leone, born in 1959. She is widowed. She came to the United Kingdom as a visitor in 2009 and has overstayed since. Her daughter and grandchildren are here. She made a number of unsuccessful applications to remain and there was an earlier unsuccessful appeal in relation

to an article 8 claim. On 21 August 2020 she made a further application to remain on the basis of her article 8 rights. Her application was refused in a letter dated 4 January 2021.

2. Her appeal was heard by First-tier Tribunal Judge Manuell on 13 April 2022. The appellant was represented by Ms Patyna, as she is now. There was no presenting officer in attendance. The appeal was on article 8 grounds only in relation to her daughter and grandchildren. A private life was also argued. The judge emphasised her immigration history of overstaying. Her appeal was dismissed.
3. Permission to appeal was granted by Upper Tribunal Judge Reeds on the basis it was arguable that the judge did not adequately consider the best interests of the children involved.
4. The children were British citizens who at the time of the judge's decision were in their teens, with the eldest being 18. There was a report from a social worker stating that the appellant provided essential support for her daughter in looking after the children, also meaning their mother could take up employment as a nurse. The appellant's daughter had suffered from anxiety and depression and other medical conditions.
5. The judge had noted they had the benefit of the appellant's presence but said the children were old enough and able to participate in running the family home. Whilst the appellant's presence might save on childminding costs it was not a sufficient reason for her to be granted settlement. The judge concluded that the children would not be harmed by the absence of the appellant and could remain in contact by modern means.
6. At the outset of the hearing before me Mr Walker conceded that there was an error of law in the decision in relation to the consideration of the best interests of the children and the social worker report submitted. It was agreed that the appropriate course would be to set aside the decision and to remit the appeal back to the First-tier Tribunal. I was in agreement with this course.

### Decision

A material error of law in the decision of First-tier Tribunal Judge Manuell has been identified. That decision is set aside and the matter is remitted back to the First tier Tribunal for a de novo hearing.

Francis J Farrelly  
Deputy Judge of the Upper Tribunal  
Immigration and Asylum Chamber