



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

Appeal Number: HU/19058/2018

THE IMMIGRATION ACTS

**Field House
On Papers**

**Decision & Reasons Promulgated
On 29 April 2020**

Before

UPPER TRIBUNAL JUDGE KOPIECZEK

Between

**CI
(ANONYMITY DIRECTION MADE)**

Appellant

and

SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

**DECISION PURSUANT TO RULE 40(3)(a) OF THE TRIBUNAL PROCEDURE
(UPPER TRIBUNAL) RULES 2008**

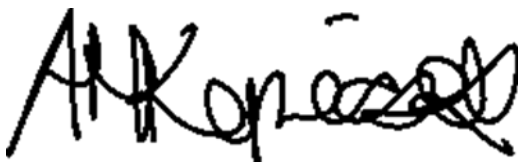
1. After a hearing before me on 5 December 2019, I set aside a decision of the First-tier Tribunal (“FtT”) which dismissed the appellant’s appeal against a decision dated 7 September 2018 to refuse leave to remain on Article 8 grounds.
2. In further directions sent on 19 February 2020, I said as follows:
 - “1. In the light of the email dated 28 January 2020 from Ms Isherwood for the respondent (copied to the appellant’s solicitors), the Upper Tribunal’s provisional view is that the decision in the appeal should be re-made, allowing the appeal under Article 8 with reference to paragraph GEN 3.2 of the Immigration Rules and s.117B(6) of the Nationality, Immigration and Asylum Act 2002. The decision may be made under rule 40(3)(a) or (b) of the

Tribunal Procedure (Upper Tribunal) Rules 2008 (decision by consent).

2. Unless within 7 days of this decision being sent, either party notifies the Upper Tribunal that it objects to what is provisionally proposed in paragraph 1 above, the Upper Tribunal will proceed to re-make the decision as set out above."
3. Neither party has expressed any dissent from the course proposed in those directions.
4. Accordingly, the decision is re-made and the appeal is allowed in the terms set out in the directions quoted above. Pursuant to rule 40(3)(a) of the Tribunal Procedure (Upper Tribunal) Rules 2008, no reasons (or further reasons) are required, the decision being made with the consent of the parties.

Direction Regarding Anonymity - Rule 14 of the Tribunal Procedure (Upper Tribunal) Rules 2008

Unless and until a Tribunal or court directs otherwise, the appellant is granted anonymity. No report of these proceedings shall directly or indirectly identify him or any member of his family. This direction applies both to the appellant and to the respondent. Failure to comply with this direction could lead to contempt of court proceedings.



Upper Tribunal Judge Kopieczek
2020

Date 16 April

NOTIFICATION OF APPEAL RIGHTS

1. A person seeking permission to appeal against this decision must make a written application to the Upper Tribunal. Any such application must be **received** by the Upper Tribunal within the **appropriate period** after this decision was **sent** to the person making the application. The appropriate period varies, as follows, according to the location of the individual and the way in which the Upper Tribunal's decision was sent:

2. Where the person who appealed to the First-tier Tribunal is **in the United Kingdom** at the time that the application for permission to appeal is made, and is not in detention under the Immigration Acts, the appropriate period is **12 working days (10 working days, if the notice of decision is sent electronically)**.

3. Where the person making the application is in detention under the Immigration Acts, **the appropriate period is 7 working days (5 working days, if the notice of decision is sent electronically).**

4. Where the person who appealed to the First-tier Tribunal is **outside the United Kingdom** at the time that the application for permission to appeal is made, the appropriate period is **38 days (10 working days, if the notice of decision is sent electronically).**

5. A “working day” means any day except a Saturday or a Sunday, Christmas Day, Good Friday or a bank holiday.

6. The date when the decision is “sent” is that appearing on the covering letter or covering email