



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

Appeal Number: AA/13776/2010

**THE IMMIGRATION ACTS**

**Heard at Field House**

**On 25 June 2014**

**Determination**

**Promulgated**

**On 27 June 2014**

**Before**

**UPPER TRIBUNAL JUDGE D E TAYLOR**

**Between**

**LM**

**and**

Appellant

**SECRETARY OF STATE FOR THE HOME DEPARTMENT**

Respondent

**Representation:**

For the Appellant: Mr P Lewis, Counsel.

For the Respondent: Ms Everett, HOPO

**DETERMINATION AND REASONS**

1. There is a lengthy history to this matter.
2. The appellant is a citizen of Zimbabwe born on 14 August 1960. She arrived in the UK on the 31st of May 2000 and was granted leave to enter

as a visitor. Thereafter she sought to remain as a student but her application was refused on 31 October 2002. She subsequently overstayed.

3. On 4th August 2008 she made an asylum application which was refused and her appeal was dismissed in October 2008 by immigration Judge Broe. A High Court review led to a reconsideration hearing, but her appeal was dismissed on 3 March 2009 by senior immigration judge Warr. Further representations were made by her solicitors and on 20 May 2010 a fresh claim was made and again refused. The appeal against that decision was dismissed by immigration judge Ford on 5 November 2010. On 9 May 2011 Senior Immigration Judge Kekic found no error of law in that decision.
4. The appellant appealed to the Court of Appeal and was ultimately granted permission by Laws LJ on the grounds that successive decisions of the tribunal were at least in part procured by wrong information provided by the Secretary of State whose position had been that no claim for asylum had been made until 2008. It was now accepted that there had in fact been such a claim in 2001.
5. On 10 September 2012 the Court of Appeal allowed the appeal in so far as it was remitted to the Upper Tribunal (Immigration and Asylum Chamber) for reconsideration.
6. Both parties agreed that the proper course should be for the appeal to be reheard by a differently constituted first-tier tribunal, not to include Judges Broe, Ford, Warr or Kekic.

Signed

Date 26.06.2014

Judge of the Upper Tribunal