



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

Appeal Number: IA/01958/2016

THE IMMIGRATION ACTS

**Heard at Field House
On 27 April 2018**

**Decision &
Promulgated
On 4 May 2018**

Reasons

Before

DEPUTY UPPER TRIBUNAL JUDGE APPLEYARD

Between

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Appellant

and

**MRS IFAT JAHAN TAMMI
(ANONYMITY DIRECTION NOT MADE)**

Respondent

Representation:

For the Appellant: Mr T Melvin, Home Office Presenting Officer.

For the Respondent: No appearance.

DECISION AND REASONS

1. The Appellant in this case is the Secretary of State for the Home Department. However, for the sake of clarity, I shall use the titles by which the parties were known before the First-tier Tribunal with the Secretary of State referred to as “the Respondent” and Mrs Tammi as “the Appellant”.
2. The Appellant is a citizen of Bangladesh who appealed against a decision of the Respondent refusing her leave to remain in the United Kingdom.

Following a hearing at Taylor House on 18 September 2017 Judge of the First-tier Tribunal Shore allowed the Appellant's appeal.

3. The Respondent sought permission to appeal. That was granted by Judge of the First-tier Tribunal Shimmin on 21 March 2018. His reasons for so granting were: -
 - "1. The Respondent seeks permission to appeal against the decision of First-tier Tribunal Judge Shore promulgated on 22 September 2017, allowing the Appellant's appeal against the Secretary of State's decision to refuse leave to remain.
 2. It is arguable that the Judge erred in law materially in failing to engage with the main issues in the appeal and give sustainable reasons for the findings.
 3. I grant permission to appeal".
4. Thus, the appeal came before me today.
5. The Appellant failed to appear. I was satisfied that she was served with notice of today's hearing and in line with the overriding objective of the Tribunal Procedure (Upper Tribunal) Rules 2008 considered it fair and just to proceed.
6. Mr Melvin relied on the grounds seeking permission to appeal and argued that the Judge should have considered this appeal on human rights grounds.
7. I find that for all the reasons put forward the Judge has materially erred. It was incumbent upon him to consider this appeal on human rights grounds and to engage with the totality of the evidence that fell to be considered. That he has failed to do. The issues in the appeal have not been addressed and the Respondent has been denied a fair hearing in those circumstances.

Decision

The making of the decision in the First-tier Tribunal involved the making of an error on a point of law. The decision is set aside. The appeal is remitted to the First-tier Tribunal to be dealt with afresh pursuant to Section 12(2)(b)(i) of the Tribunals, Courts and Enforcement Act 2007 and Practice Direction 7(b) before any Judge aside from Judge Shore.

No anonymity direction is made.

Signed

Date

2 May 2018

Deputy Upper Tribunal Judge Appleyard