



IAC-FH-NL-V1

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

Appeal Number: IA/09444/2014

**THE IMMIGRATION ACTS**

**Heard at Bradford**

**On 21 October 2014**

**Decision & Reasons  
Promulgated**

**On 20 November 2014**

**Before**

**JUDGE OF THE FIRST TIER TRIBUNAL RIMINGTON**

**Between**

**MRS SHAZIA KOUSAR**

**and**

Appellant

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

Respondent

**Representation:**

For the Appellant: Mr A Khan, Solicitor of Ali & Co Solicitors

For the Respondent: Mr M Diwnycz, Home Office Presenting Officer

**DECISION AND REASONS**

1. The appellant appealed against the decision to refuse her leave to remain on the basis of family life in the UK and to remove her by way of directions under Section 47 of the Immigration, Asylum and Nationality Act 2006. Her appeal was considered and dismissed on the papers by Judge C Grimshaw on 30<sup>th</sup> May 2014.
2. Permission to appeal was granted by First-tier Tribunal Judge Hollingworth in the following terms

“in the light of the chronology and evidence of the letter provided by Messrs Ali & Co Solicitors dated 9<sup>th</sup> April 2014 it is clear that an oral hearing of this matter should have been listed. Difficulty has plainly arisen. The determination is vitiated by the procedural background to which I refer. No criticism can be made of the Judge”.

3. It was clear at the hearing before me that a letter dated 9<sup>th</sup> April 2014 from Ali & Co Solicitors requesting an oral hearing had been received by the Tribunal and a copy to that effect was produced at the hearing. It is unfortunate that this letter was dated 1<sup>st</sup> July 2014.
4. As such I found that Judge Grimshaw proceeded through no fault of her own in error and the matter should be re-listed before the First-tier Tribunal.
5. Mr Diwnycz, sensibly in my view, did not resist this. I set aside the determination of Judge Grimshaw in its entirety and the matter should be remitted to the First-tier Tribunal further to Practice Statement 7.2.

### **Directions**

- (1) The matter is listed for one hour and the interpreter should be Mirpuri.\_

Signed

Date 11<sup>th</sup> November 2014

Judge Rimington  
Judge of the First-tier Tribunal