



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

Appeal Number: IA/18142/2013

**THE IMMIGRATION ACTS**

**Heard at Field House**

**On 22 September 2014  
Prepared 22 September 2014**

**Determination  
Promulgated  
On 2 October 2014**

**Before**

**DEPUTY UPPER TRIBUNAL JUDGE DAVEY**

**Between**

**BRENDALEE REY RAGO**

Appellant

**and**

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

Respondent

**DETERMINATION AND REASONS**

1. This appeal is determined on the papers at the request of the Appellant's representatives, Blakewells Solicitors by a letter dated 11 September 2014 and by new representatives, Bespoke Solicitors by letter dated 19 September 2014. The Respondent's submission once permission had been granted was that there was no need for an oral hearing and the matter can be found in the Appellant's favour on the Section 47 point alone.

2. The Appellant, a national of the Philippines, date of birth 30 September 1979, appealed against the Respondent's decision dated 2 May 2013 to refuse to vary leave to remain and to make removal directions under Section 47 of the Immigration, Asylum and Nationality Act 2006.
3. An appeal against those decisions was made to the First-tier Tribunal and the matter came before First-tier Tribunal Judge Mayall (the Judge) who dismissed the appeal under the Immigration Rules and dismissed the appeal on Article 8 ECHR grounds but gave no consideration to the removal directions.
4. It is accepted that at the date of the Respondent's decision the amendment to the 2006 Act made by Section 51 of the Crimes and Court Act had not taken effect and did not do so until 8 May 2013 and accordingly the combined decision in relation to the removal directions was unlawful.
5. Application was made to the Tribunal by the Appellant which was granted on 6 August 2014 solely on the Section 47 point. Challenges in relation to the Immigration Rule findings and those made under Article 8 of the ECHR outside of the Rules were not given permission.
6. The original Tribunal's decision in relation to the Immigration Rules and the decision under Article 8 of the ECHR stands. The original Tribunal's decision in relation to Section 47 of the 2006 Act cannot stand.
7. The appeal is allowed to the extent that the matter is remitted to the Secretary of State for further consideration of removal directions.

Signed

Date 30 September 2014

Deputy Upper Tribunal Judge Davey