



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

Appeal Number: IA/45739/2013

THE IMMIGRATION ACTS

**Heard at Field House
On 22 August 2014**

**Determination
Promulgated
On 1 September 2014**

Before

UPPER TRIBUNAL JUDGE GLEESON

Between

MR OMOKAYODE AFOLABI OSATUBERU

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Mr W Ehimika, Solicitor of David & Vine Solicitors
For the Respondent: Mr T Melvin, Senior Home Office Presenting Officer

**ERROR OF LAW
DECISION AND REASONS**

1. The appellant appeals with permission against the determination of First-tier Tribunal Judge Cameron dismissing his appeal against the respondent's refusal to grant him leave to remain in the United Kingdom on Article 8 ECHR grounds under Appendix FM and paragraph 276ADE of

the Immigration Rules HC 395 (as amended) and Article 8 outside the Rules.

2. At the hearing, Judge Cameron gave the appellant leave to produce his examination results within 48 hours, and the file reflects that they were in fact provided within 24 hours. Judge Cameron makes no mention of that document in his determination. It may be that it was not linked promptly to the file, but it had been received and must be taken into account.
3. I am satisfied that the failure to take into account these documents amounts to a material error of law in the First-tier Tribunal determination which I set aside and remit to Judge Cameron to remake on the basis of the evidence and the argument recorded and reflected in his determination and the additional documents sent by the appellant's solicitors under cover of their facsimile letter of 10 April 2014 (five pages). I do not consider that further oral hearing is required.

Conclusions

The making of the decision of the First-tier Tribunal did involve the making of an error on a point of law.

I set aside the decision which will be remade in the First-tier Tribunal.

Signed

Date 29 August 2014

Upper Tribunal Judge Gleeson