



IAC-AH-CJ-V1

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

Appeal Number: AA/02507/2015

THE IMMIGRATION ACTS

**Heard at Columbus House, Decision & Reasons Promulgated
Newport
On 29th October 2015**

On 9th November 2015

Before

DEPUTY UPPER TRIBUNAL JUDGE DAVIDGE

Between

**HTL
(ANONYMITY DIRECTION MADE)**

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Vyaj Lovejoy, HRS Solicitors LLP

For the Respondent: Irwin Richards, Home Office Presenting Officer

DECISION AND REASONS

1. The Appellant appeals with permission a decision of the First-tier Tribunal promulgated on 20th July 2015 dismissing his appeal. The judge dismissed his appeal on international protection grounds and also on Article 8 grounds. The grant of permission in this case is restricted to the issues in respect of Article 8 so that the decision of the First-tier Tribunal making findings in respect of and dismissing the Appellant's international protection Grounds of Appeal stands, including the adverse credibility findings.

2. I am satisfied that the decision of the First-tier Tribunal reveals an error of law in the assessment of Article 8 for the reasons set out in the grant of permission namely that the judge has applied a test of exceptionality contrary to the relevant jurisprudence, has failed to make a finding as to the best interests of the child, and failed to address the best interests of the child as a primary consideration in the evaluative Article 8 assessment.
3. The parties are in agreement that in light of those errors the decision of the First-tier Tribunal on Article 8 cannot stand and accordingly I set it aside. The grounds of appeal, limited to Article 8, need to be reheard *de novo*. In that context, I accede to the request to remit the case to the First-tier Tribunal for hearing of the Article 8 Grounds of Appeal.

Signed

Date

Deputy Upper Tribunal Judge Davidge