



Upper Tribunal
(Immigration and Asylum Chamber)

Appeal Number: IA /36130/2013

THE IMMIGRATION ACTS

Heard at FIELD HOUSE
On 13th January 2015

Decision & Reasons Promulgated
On 15th January 2015

Before

DEPUTY JUDGE OF THE UPPER TRIBUNAL GA BLACK

Between

**MISS GIULIA GUELARDI TEIXEIRA
(ANONYMITY DIRECTION NOT MADE)**

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Mr F Singarajah (Counsel instructed by Londonhelp4u)
For the Respondent: Mr Avery (Senior Home Office Presenting officer)

DECISION AND REASONS

1. This is an appeal by the Appellant against a decision and reasons promulgated on 18th July 2014 by First-tier Tribunal (Judge Herlihy), in which she dismissed the appeal on all grounds.

Background

2. The Appellant had entered the UK as a minor family visitor and following the expiry of her leave made the application.
3. The Respondent refused the application for further leave to remain under the Immigration Rules. The Respondent made removal directions under Section 47 Immigration, Asylum & Nationality Act 2006.
4. In a decision the Tribunal set out in considerable detail the background and evidence over four pages. The Tribunal then went on to make findings of fact and reach conclusions from paragraph 5 onwards which referred to an entirely different Appellant from Bangladesh.

Grounds of application

5. In grounds of application (which were out of time) the Appellant argued that the Tribunal decision could not stand as a result of the clear and considerable errors and discrepancies therein.

Permission to appeal

6. Permission was granted out of time by First-tier Judge Parkes.

Error of law hearing

7. This matter came before me for consideration of error of law in the Tribunal decision. I had regard to a Rule 24 response submitted by the Respondent in which the application for permission was unopposed and the Respondent agreed that the matter ought to be remitted to the First -tier Tribunal for a hearing afresh.
8. Mr Singharagh submitted that it was clear that there was a procedural error, probably arising from the Tribunal's "cut and paste" approach, which amounted to an error of law such that the decision should be set aside. Mr Avery agreed and indicated that the matter should be remitted.

Decision

9. It was common ground that there was a fundamental procedural error in the decision such that it must be set aside. The first part of the decision accurately relates to the Appellant and the second part from paragraph 5 refers to findings and a conclusion in relation to an entirely different appellant who is male and from Bangladesh. I note that the decision has not been signed and there appears an annotation by the typist on page 8 that should have been deleted. As Judge Parkes observes something has clearly gone wrong. I canvassed with the parties the possibility of remitting the matter to the Tribunal to make the findings of fact relevant to this Appellant. Mr Singharagh argued that it would not be fair on the appellant who was no longer a minor, there was now a significant delay since the

hearing in June 2014 and the relevant law had since changed which would complicate matters.

Notice of Decision

10. I find a material error of law by way of procedural irregularity and I set aside the decision. As no proper findings or conclusion were reached with regard to this appellant's appeal, the matter must be reheard.
11. **The matter is to be remitted for hearing de novo at Taylor House (excluding Judge Herlihy) on 17th June 2015.**

No anonymity direction is made.

Signed

Date 15.1.2015

Judge GA Black
Deputy Judge of the Upper Tribunal

TO THE RESPONDENT
FEE AWARD

No fee award made

Signed

Date 15.1.2015

Judge GA BLACK
Deputy Judge of the Upper Tribunal