



**Upper Tribunal
(Immigration and Asylum Chamber)
HU/03253/2015**

Appeal Number:

THE IMMIGRATION ACTS

Heard at Field House

Decision & Reasons

On 6 October 2017

Promulgated

On 16 October 2017

Before

DEPUTY UPPER TRIBUNAL JUDGE HILL QC

Between

**MS DEBBIE-ANN BECKFORD
(ANONYMITY DIRECTION NOT MADE)**

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: No attendance

For the Respondent: Mr L Tarlow, Home Office Presenting Officer

DECISION AND REASONS

1. This is an appeal from the decision of First-tier Tribunal Judge Telford promulgated on 16 January 2017. The appellant is a national of Jamaica who claims she cannot return there as to do so would amount to an infringement of her right to private and family. Her appeal was dismissed.
2. The grounds of appeal are handwritten and make complaint that the judge failed to apply established jurisprudence regarding Article 8 and did not give proper weight to relevant features when making the Article 8 assessment.
3. When granting permission to appeal, Upper Tribunal Martin said this:

“Although the appellant should not be overconfident of success in her appeal I am granting permission to appeal because the Decision and Reasons is devoid of any reasoning or findings.”

4. There is a Rule 24 statement which states in summary that the Secretary of State will submit that the Judge of the First-tier directed themselves appropriately. The judge had regard to the evidence presented to the Tribunal consisting of a bullet point document, witness statements and other evidence. The judge does not make any findings of credibility but merely says that the appellant has not adduced evidence which would enable her claim to succeed under the Immigration Rules. There has been no challenge to the appellant's immigration history and so the judge was entitled to find that the appellant was an economic and social migrant.
5. The appellant has not attended today, and there is no record of any communication with the Tribunal as to why she is not here. She has solicitors on record, namely Samuel Louis of 17 Deptford Church Street, London SE8 4RX.
6. Mr Tarlow invited me to hear the appeal in the appellant's absence. Placing reliance on the content of the Rule 24 statement, he further invited me to dismiss the appeal. However, entirely properly, Mr Tarlow submitted that the findings at paragraphs 7, 8 and 9 are not such that the appellant is able to know the reason why her appeal was dismissed. He is right. Those findings are gossamer thin.
7. Justice requires this Tribunal to consider both the grounds of appeal and the *Robinson* obvious point that the judge's reasoning is woefully inadequate. Even though the appellant is not here to prosecute her claim, nor is she represented, the Upper Tribunal's duty is to scrutinise the decision of the First-tier Tribunal.
8. Paragraphs 7, 8 and 9 are so lacking in substance that an informed reader (particularly a party) cannot be satisfied that the judge gave the matter proper consideration. I am not even sure the judge properly identified the issues in paragraph 5.
9. I find myself in agreement with Mr Tarlow as to the quality of this decision. The easy option would be to conclude that as the Appellant has not turned up to prosecute her appeal, any error of law can be considered not to be material and that there was, in the documentation before the First-tier Tribunal, sufficient material to justify the findings to which the judge came. But it is not for the Upper Tribunal to repair decisions of the First-tier Tribunal decisions where there has been a wholesale failure of the judicial process.
10. The appellant is entitled to have had her appeal properly considered by the First-tier Tribunal. That has been denied her. In those circumstances justice requires that I set aside the decision and remit the appeal to be reheard by a judge other than First-tier Tribunal Judge Telford. There is a distinct likelihood that the outcome may be precisely the same. There will

be inconvenience and cost to the parties, but sometimes there is a price to be paid for fairness and justice.

11. However, I am anxious not to waste the time of the First-tier Tribunal if, in reality, the appellant has effectively abandoned her appeal. My decision not to adjourn today for her to attend was a pragmatic one because on any reading, the First-tier Tribunal's decision had to be set aside and the matter reheard. I therefore propose making a direction that unless the appellant confirms in writing within 21 days that she wishes to continue with her appeal before the First-tier Tribunal it shall be deemed struck out.

Notice of Decision

- (1)The appeal is allowed and the decision of the First-tier Tribunal is set aside.
- (2)The matter is remitted to be reheard by a Judge other than First-tier Tribunal Judge Telford.
- (3)Unless the appellant with within 21 days of the promulgation of this decision confirms in writing that she wishes to continue with her appeal in the First-tier Tribunal, it shall be deemed to be struck out.
- (4)No anonymity direction is made.

Signed *Mark Hill*

Date

13 October 2017

Deputy Upper Tribunal Judge Hill QC