



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

Appeal Number: IA/26971/2015

**THE IMMIGRATION ACTS**

**Heard at Field House**

**Decision & Reasons  
Promulgated**

**On 6 November 2017**

**On 07 November 2017**

**Before**

**UPPER TRIBUNAL JUDGE RINTOUL**

**Between**

**ABDELATIF MELOUANI  
(ANONYMITY ORDER NOT MADE)**

Appellant

**and**

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

Respondent

**DECISION MADE PURSUANT TO RULES 34, 39 & 40 (3) OF THE  
TRIBUNAL PROCEDURE (UPPER TRIBUNAL) RULES 2008**

1. On 26 July 2017, this appeal came before me and I set aside the decision of the First-tier Tribunal. On 11 October 2017, I gave the following directions: -
  1. Further to the directions given on 30 August 2017, the appellant has made further submissions, to which the respondent has replied in a letter dated 10 October 2017, stating that the Secretary of State has decided to grant the appellant leave to remain pursuant to article 8.

2. In the light of the letter from the respondent of 10 October 2017, it is my provisional view that the appeal should be allowed without any further hearing and without giving detailed reasons, as is permitted pursuant to rules 34, 39 and 40 (3) of the Tribunal Procedure (Upper Tribunal) Rules 2008.
  3. Unless either party objects to this course of action in writing within 10 working days, the Upper Tribunal will allow the appeal on the above basis.
  4. The parties are put on notice that, in the absence of any express written objection, they will for the purposes of rule 40 (3) be deemed to have consented to the Upper Tribunal not giving reasons.
3. There has been no objection to the proposed course of action within the time specified.
4. Rule 40 (1) of the Tribunal Procedure (Upper Tribunal) Rules 2008 provided that the Upper Tribunal may give a decision orally at a hearing. Ruled 40 (3) provides that the Upper Tribunal must provide written reasons for its decision with a decision notice unless the parties have consented to the Upper Tribunal not giving written reasons. I am satisfied that the parties are, in the light of the directions made, deemed to given such consent in failing to object to the proposed course of action.
- 5. In the circumstances, pursuant to the decision promulgated on 30 August 2017, the decision of the First-tier Tribunal involved the making of an error of law and is set aside. The appeal is remade by allowing the appeal on human rights grounds.**

Signed

Date: 6 November 2017



Upper Tribunal Judge Rintoul