



**Upper Tribunal
(Immigration and Asylum Chamber)
PA/06216/2016**

Appeal Number:

THE IMMIGRATION ACTS

Heard at Newport

Decision & Reasons

**On 1st August, 2017, Given
Extempore and signed and
sent to promulgation
On 3rd August 2017**

**Promulgated
On 4th August 2017**

Before

UPPER TRIBUNAL JUDGE CHALKLEY

Between

**M S I
(ANONYMITY DIRECTION MADE)**

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Not represented

For the Respondent: Mr David Mills, Home Office Presenting Officer

DECISION AND REASONS

1. The appellant is a national of Bangladesh, who was born on 5th May 1974. He claims that he arrived in the United Kingdom in 2001 and was encountered working illegally in a restaurant on 17th July 2015.
2. On 15th March 2016, he was detained for removal when he made an Article 8 human rights claim. This claim was refused and certified and on the

same day he made further submissions which were refused on 24th March 2016. On 8th April 2016 he claimed asylum.

3. On 31st June 2016 his application was refused by the respondent and the refusal of asylum was the subject of an appeal to the First-tier Tribunal on 3rd January 2017 heard at Newport by First-tier Tribunal Judge Suffield-Thompson. The judge dismissed the appellant's appeal on asylum grounds, humanitarian protection grounds and human rights grounds and the appellant sought and obtained leave to appeal.
4. At the hearing today there was no appearance by or on behalf of the appellant and at 10:32 I proceeded to hear the appeal in the appellant's absence.
5. For the respondent, Mr Mills handed to me a copy of a letter sent by his previous solicitors to the Upper Tribunal at Field House indicating that they were no longer instructed. He told me that the Home Office should have applied their policy of not requiring a parent or primary carer to return to a country outside the EU on the basis that it would be unreasonable to expect a British child to leave the EU with a parent or primary carer. That policy had not been applied in the case of the appellant. As a result, Mr Mills told me that on behalf of the Secretary of State for the Home Department he was now conceding the appeal. This determination appears as a matter of record.

Anonymity order made.

Direction Regarding Anonymity - Rule 14 of the Tribunal Procedure (Upper Tribunal) Rules 2008

Unless and until a Tribunal or court directs otherwise, the appellant is granted anonymity. No report of these proceedings shall directly or indirectly identify him or any member of his family. This direction applies both to the appellant and to the respondent. Failure to comply with this direction could lead to contempt of court proceedings.

Richard Chalkley

Upper Tribunal Judge Chalkley

TO THE RESPONDENT
FEE AWARD

No fee is paid or payable and therefore there can be no fee award.

Richard Chalkley

Upper Tribunal Judge Chalkley