



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

Appeal Numbers: HU/02431/2016,
HU/03215/2016, HU/03219/2016
HU/03222/2016 & HU/03226/2016

THE IMMIGRATION ACTS

**Heard at Field House
On 19 January 2018**

**Decision & Reasons Promulgated
23rd January 2018**

Before

UPPER TRIBUNAL JUDGE RINTOUL

Between

**M N H
S R Q
M Z H
M S H
L H**

(ANONYMITY DIRECTION MADE)

Appellants

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Mr M Murphy, instructed by Farid Javani Taylor
For the Respondent: Mr S Walker, Senior Home Office Presenting Officer

DECISION AND REASONS

1. The appellants appeal with permission against the decision of First-tier Tribunal Judge Rodger promulgated on 31 January 2017 dismissing their appeals against the decisions of the respondent made on 15 January 2016 to refuse their human rights claims.

2. 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 which both Mr Murphy and Mr Walker did, it being accepted that the judge had erred in her approach to the best interests of the 3rd appellant, it being unclear also what weight had been attached to his position as a qualifying child; and, that the judge had at [78] and [81] erred in failing to note that this is not an appeal under the Immigration Rules. It is observed also that the decision is lacking in proper structure.
3. Accordingly, given the acceptance by the respondent that none of the relevant findings could be preserved, and the lapse of time since those findings, and with the consent of the parties, I am satisfied that the appeal should be remitted to the First-tier Tribunal.

SUMMARY OF CONCLUSIONS

1. The decision of the First-tier Tribunal involved the making of an error of law and I set it aside. The appeal is remitted to the First-tier Tribunal for a fresh decision on all issues.
2. The appeal must not be listed before First-tier Tribunal Judge Rodger

Signed

Date: 19 January 2018



Upper Tribunal Judge Rintoul