



**Upper Tribunal  
(Immigration and Asylum Chamber)  
IA/01545/2016**

**Appeal Number:**

**THE IMMIGRATION ACTS**

**Heard at Field House**

**On 6 March 2018**

**Decision & Reasons  
Promulgated  
On 12 March 2018**

**Before**

**DEPUTY UPPER TRIBUNAL JUDGE CHAMBERLAIN**

**Between**

**SECRETARY OF STATE FOR THE HOME DEPARTMENT**

Appellant

**and**

**RAJNI DEVI**

(ANONYMITY DIRECTION NOT MADE)

Respondent

**Representation:**

For the Appellant: Mr. P. Nath, Home Office Presenting Officer  
For the Respondent: Mr. A. Badar, Connaughts Solicitors

**DECISION AND REASONS**

1. This is an appeal by the Secretary of State against the decision of First-tier Tribunal Judge Majid, promulgated on 24 July 2017, in which he allowed Ms Devi's appeal against the Secretary of State's decision to remove her from the United Kingdom.
2. For the purposes of this decision I refer to the Secretary of State as the Respondent and to Ms Devi as the Appellant, reflecting their positions as they were before the First-tier Tribunal.
3. Permission to appeal was granted as follows:

“The grounds assert that the Judge erred in that there are no adequate reasons as to why the appeal was allowed and on what basis.

The grounds disclosed arguable errors of law.”

4. I heard brief submissions from both representatives. I stated that I found that the grounds were made out, and that the decision involved the making of material error of law as inadequate reasons had been given. I set aside the decision and remitted the appeal to the First-tier Tribunal.

### **Error of law**

5. The grounds of appeal quoted from the case of MK (duty to give reasons) Pakistan [2013] UKUT 00641 (IAC). The headnote states:

*“(1) It is axiomatic that a determination discloses clearly the reasons for a tribunal’s decision.”*

6. The Judge states at [8] that, with reference to “superior precedents” he is obliged to give “sufficient and adequate reasons”, and that he is “not under a duty to refer to each and every piece of evidence”. However, none of the evidence is set out. The only paragraph which contains something which could be described as a finding and reasons for the decision is [16], where the Judge states:

“I found the Appellant’s evidence to be credible. She had tried her best conduct herself within the rules but the Respondent kept on increasing her troubles. In her witness statement it is clear that she was prompt in informing the Home Office that she was filing a modified application, which had left no doubt that she was studying at an establishment recognised by it.”

7. The rest of the decision is concerned with general points of law and discourse.
8. I find that simply to state that the Appellant’s evidence was found to be credible, without giving adequate reasons for this, and without explaining how therefore the Appellant’s appeal succeeds, is inadequate. I find that the Judge has failed to address the reasons why the application was refused. The Respondent refused the application both because a valid Certificate of Sponsorship reference number had not been provided, and also because false representations had been made. There is no reference to either of these specific points in the Judge’s decision.
9. I find that the decision involves the making of a material error of law, as the Judge has failed to give any adequate reasons for his decision, or to explain on what basis he has allowed the appeal.
10. I have taken account of the Practice Statement dated 10 February 2010, paragraph 7.2. This contemplates that an appeal may be remitted to the First-tier Tribunal where the effect of the error has been to deprive a party

before the First-tier Tribunal of a fair hearing or other opportunity for the party's case to be put to and considered by the First-tier Tribunal. There are no findings of fact in the decision, and therefore given the nature and extent of the fact-finding necessary to enable this appeal to be remade, having regard to the overriding objective, I find that it is appropriate to remit this case to the First-tier Tribunal.

11. I do not make an anonymity direction.

**Decision**

12. The decision of the First-tier Tribunal involves the making of a material error of law and I set the decision aside.

13. The appeal is remitted to the First-tier Tribunal to be remade.

Signed

Date 9 March 2018

**Deputy Upper Tribunal Judge Chamberlain**