



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

Appeal Number: PA/09518/2018

THE IMMIGRATION ACTS

**Heard at Field House
On 10th December 2018
& 12th March 2019**

**Decision & Reasons Promulgated
On 15th March 2019**

Before

UPPER TRIBUNAL JUDGE COKER

Between

YM

Appellant

And

SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant:

Mr S Mustafa on 10th December 2018,
Mr A Maqsood on 12th March 2019; instructed by Solicitors Inn

For the Respondent:

Mr E Tufan on 10th December 2018,
Mr D Clarke on 12th March 2019; Senior Home Office Presenting
Officers

DETERMINATION AND REASONS

Pursuant to Rule 14 of the Tribunal Procedure (Upper Tribunal) Rules 2008 (SI 2008/269) I make an anonymity order. Unless the Upper Tribunal or a Court directs otherwise, no report of these proceedings or any form of publication thereof shall directly or indirectly identify the appellant in this determination identified as YM. This direction applies to, amongst others,

all parties. Any failure to comply with this direction could give rise to contempt of court proceedings

1. Permission to appeal the decision of First-tier Tribunal Judge O'Garro dismissing the appellant's appeal against the refusal of his Article 8 human rights claim was given by First-tier Tribunal Judge Povey on 5th November 2018. The appellant did not seek permission to appeal the dismissal of his claim for international protection.
2. On 10th December 2018, before me, the respondent accepted that the First-tier Tribunal judge had erred in law dismissing Mr Mehmood's appeal such that the decision should be set aside to be remade.
3. At the resumed hearing before me on 12th March 2019 Mr Clarke accepted that, in the light of *KO (Nigeria) & ors v SSHD* [2018] UKSC 53 and *LG (s117B(6) "reasonable to leave" UK) Turkey* [2019] UKUT 00072 (IAC) and it being agreed that the youngest dependent child was a minor, the appeal should be allowed.

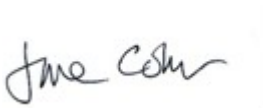
Conclusions:

The making of the decision of the First-tier Tribunal did involve the making of an error on a point of law in so far as Article 8 is concerned.

I set aside the decision on Article 8.

I re-make the decision in the appeal by allowing it on Article 8 human rights grounds.

Date 12th March 2019



Upper Tribunal Judge Coker