



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

Appeal Number: IA/08981/2015 (P)

THE IMMIGRATION ACTS

No hearing

**Decision & Reasons Promulgated
On 7th October 2021**

Before

MR C M G OCKELTON, VICE PRESIDENT

Between

MARY ITOHAN ENABUREKHAN

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

DECISION AND REMITTAL

1. This appeal has a long history. The appellant is a national of Nigeria, who came to the United Kingdom in 2007 on a student visa. She has made a number of subsequent applications for leave or further leave. In 2014 she was the subject of a decision refusing a human rights claim, carrying an in-country right of appeal. She appealed. Her appeal was dismissed by the First-tier Tribunal on 22 September 2015, and permission to appeal to this Tribunal was refused in February 2016. That refusal was challenged by petition to the Court of Session. Although the appellant's case is based on the needs of children, there appears to have been no attempt to have her petition dealt with promptly. It was concluded in the Court of Session by the Interlocutor of the Lord Ordinary Lord Mulholland dated 12 February 2020.
2. On receipt of that decision I wrote to the parties in the following terms:

“In the circumstances it is highly unlikely that the family situation is what it was in 2013 when the decision was made or 2015 when the appeal was heard. There may well be little utility in interposing any substantive procedure in the Upper Tribunal. I therefore propose without more ado to grant permission to appeal, to find error of law as averred in the Grounds of Appeal, and to remit the appeal for a fresh hearing in the First-tier Tribunal.”

3. Both parties have responded indicating that they agree with that proposal. Accordingly, I grant permission to appeal, I set aside the decision of the First-tier Tribunal for error of law, and I remit the appellant’s appeal for a fresh hearing in the First-tier Tribunal.

C. M. G. Ockelton

C. M. G. OCKELTON
VICE PRESIDENT OF THE UPPER TRIBUNAL
IMMIGRATION AND ASYLUM CHAMBER
Date: 2 December 2020