



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

Appeal Number: AA/06648/2014

**THE IMMIGRATION ACTS**

**Heard at Field House**

**Decision & Reasons**

**On 17 September 2015**

**Promulgated**

**On 22 September 2015**

**Before**

**DEPUTY UPPER TRIBUNAL JUDGE APPLEYARD**

**Between**

**MR A O O**

(ANONYMITY DIRECTION MADE)

Appellant

**and**

**THE SECRETARY OF STATE FOR THE HOME DEPARTMENT**

Respondent

**Representation:**

For the Appellant: Mr. S. Harding, Counsel.

For the Respondent: Ms. A. Holmes, Home Office Presenting Officer.

**DECISION AND REASONS**

1. An anonymity order has been made in these proceedings and I direct that it continues.
2. The appellant is a citizen of Tanzania who appealed against the respondent's refusal to grant international protection and also on human rights grounds. His appeal was heard by Judge of the First-tier Tribunal Wylie who in a decision promulgated on 16 April 2015 dismissed the appellant's appeal.

3. The appellant sought permission to appeal which was granted by Judge of the First-tier Tribunal Osborne on 15 May 2015. Although permission was granted on all grounds the emphasis was on the Article 8 issue which Judge Osborne dealt with at paragraph 3 of his reasons for his decision. It states:-

“In an otherwise careful and focused decision and reasons it is nonetheless arguable that the judge erred in her assessment of Article 8. It is arguable that it is irrational for the judge to have found that after nearly twenty years of living in the UK that the appellant had not established either a family nor (sic) a private life.”

4. Thus the appeal came before me today.
5. Mr. Harding relied upon his grounds of appeal but told me that there had been discussions between the two representatives and if appropriate the hearing before me could be dealt with simply by reliance on the inadequate analysis of the appellant’s private and family life and the irrationality disclosed within the judge’s conclusions. In any event the appellant has now been resident in the United Kingdom for in excess of twenty years.
6. Ms. Holmes agreed with the position as outlined by Mr. Harding and by consent of both parties I was invited to allow the appeal to the limited extent that it be remitted back to the Secretary of State for a lawful decision to be made.
7. I, on my own analysis of the appeal, share the analysis put forward by the two representatives.

### **Decision**

8. The making of the decision of the First-tier Tribunal did involve the making of an error on a point of law.

I set aside the decision.

I remake the decision in the appeal by allowing it to the limited extent that it is remitted back to the Secretary of State for a lawful decision to be 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 their 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.

Signed

Date 21 September 2015.

Deputy Upper Tribunal Judge Appleyard