



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

Appeal Number: IA/19817/2014

THE IMMIGRATION ACTS

**Heard at Field House
On 23 November 2015**

**Decision & Reasons Promulgated
On 5 February 2016**

Before

UPPER TRIBUNAL JUDGE ESHUN

Between

SECRETARY OF STATE FOR THE HOME DEPARTMENT

Appellant

and

MRS MELVINA ELFREDA GAGE

Respondent

DETERMINATION AND REASONS

1. First-tier Tribunal Judge Rimington allowed the respondent's appeal to the extent that it should be referred to the Secretary of State for a lawful decision.
2. The Secretary of State was granted permission to appeal the judge's decision because she complained that the judge erred in stating that the Presenting Officer had agreed for the matter to be remitted back to her for further decision. The Secretary of State has to date failed to submit Ms Laverack's (HOPO) record of proceedings despite being asked to do so on 27 August 2015 and 28 October 2015.
3. Furthermore, as there has been no agreement between the parties on this issue, I rule that the Secretary of State no longer wishes to pursue her complaint and find that the judge correctly recorded the agreement between the parties at paragraph 10 of her decision.

4. The judge's decision is to stand. This matter is to be remitted to the Secretary of State for a lawful decision.

Signed
Upper Tribunal Judge Eshun

Date: 23 November 2015