



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

Appeal Number: IA/42362/2013

THE IMMIGRATION ACTS

Heard at Field House

Determination

On the papers

Promulgated

On 4th September 2014

Before

UPPER TRIBUNAL JUDGE REEDS

Between

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Appellant

and

JOHN CARL MAYNARD

Respondent

DETERMINATION AND REASONS

1. This is the appeal of the Secretary of State against the decision of the First-tier Tribunal (Judge Hindson) of the determination promulgated on 4th March 2014 who allowed the appeal of Mr Maynard against the decision of the Respondent to refuse to grant leave to remain in the United Kingdom on the grounds of family and private life.
2. Whilst this is an appeal by the Secretary of State, for convenience I will refer to the parties in the determination as they appeared before the First-tier Tribunal.

3. In a determination promulgated on the 26th June 2014, I found that the decision of the First-tier Tribunal should be set aside and gave my reasons for reaching that conclusion. As to the re-making of the decision and in respect of the circumstances of the Appellant who was involved in court proceedings relating to his child, I considered that the appropriate decision was for there to be a period of discretionary leave of a length sufficient for that to take place. It would then be open to the appellant to make a further application before the expiry of that leave. At the conclusion of the determination I said this:

“As I have said, that is my preliminary view as to remaking the decision in those terms. However, if either party disagrees with that approach, then I make the following direction: that within fourteen days of the service of this determination, the parties are to write to the Tribunal to indicate whether they seek a further hearing. If nothing further is heard from either party I shall re-make the decision in accordance with the contents of the determination.”

4. There has been no further correspondence from either party to the proceedings and therefore I re-make the decision in the terms set out above; the decision of the First-tier Tribunal is set aside and is re-made by allowing the appeal on the basis that it is understood that he should be given a period of leave in order to continue his involvement in the court proceedings relating to contact to his child.

Decision:

The decision of the First-tier Tribunal discloses the making of an error of law. The decision is set aside. The decision is re-made; the appeal is allowed in accordance with the preceding paragraphs.

Signed

Date: 1/9/2014

Upper Tribunal Judge Reeds