



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

Appeal Number: IA/02807/2015

**THE IMMIGRATION ACTS**

**Dealt with on the papers at Field  
House  
On 14<sup>th</sup> August 2015**

**Decision and Reasons  
Promulgated  
On 18<sup>th</sup> August 2015**

**Before**

**UPPER TRIBUNAL JUDGE MARTIN**

**Between**

**MRS NUSRAT YEASMIN  
ANONYMITY DIRECTION NOT MADE**

Appellant

**and**

**SECRETARY OF STATE FOR THE HOME DEPARTMENT**

Respondent

**DETERMINATION AND REASONS**

1. This is an appeal to the Upper Tribunal, with permission, by the Appellant with regard to a decision of the First-tier Tribunal (Judge E M M Smith) promulgated on 24<sup>th</sup> March 2015 by which it dismissed her appeal against the Secretary of State's decision to refuse to vary her leave to remain as a Tier 4 (General) Student Migrant and/or on Article 8 grounds.
2. The appeal was dealt with on the papers at the Appellant's request. She had paid the fee appropriate for a paper hearing.
3. The Judge indicated that no further evidence had been received from the Appellant. However the file contains a bundle of documents provided to the Tribunal by the Appellant which was marked as having been received by the Tribunal on 19<sup>th</sup> March; before the appeal was determined.

4. It seems that the documents, although received by the Tribunal, had not reached the file due to administrative error. That being the case the administrative error amounts to a legal error as the Appellant did not have a fair consideration of her appeal.
5. With the consent of the parties I set aside the decision of the First-tier Tribunal and remit it to the First-tier Tribunal to be decided on the papers by any Judge other than E M M Smith.
6. The appeal to the Upper Tribunal is allowed as set out above.

Signed

Date 14<sup>th</sup> August 2015

Upper Tribunal Judge Martin

**Direction regarding anonymity**

**There is no application for nor necessity for an anonymity direction and I do not make one.**

Signed

Date 14<sup>th</sup> August 2015

Upper Tribunal Judge Martin