



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

Appeal Numbers: IA/50903/2014

**THE IMMIGRATION ACTS**

**Heard at Field House**

**Decisions and Reasons  
Promulgated**

**On 8 October 2015**

**On 13 November 2015**

**Before**

**MR CMG OCKELTON, VICE PRESIDENT  
UPPER TRIBUNAL JUDGE DAWSON**

**Between**

**SECRETARY OF STATE FOR THE HOME DEPARTMENT**

Appellant

**And**

**CHARLES OMINNU ADOGA**

Respondent

Representation:

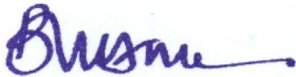
For the Appellant: Mr I Jarvis, Senior Presenting Officer

For the Respondent: Miss D Qureshi, instructed by Marsh & Partners Solicitors

**DECISION AND REASONS**

1. The Secretary of State has been granted permission to appeal the decision of First-tier Tribunal Judge Eban. The respondent is a national of Nigeria, where he was born on 23 January 1972. On 3 December 2014, the Secretary of State refused his application for leave to remain, made on 26 March 2012 based on 14 years unlawful residence in the United Kingdom.

2. In a Decision dated 3 December 2014, the Secretary of State refused the application by giving notice of refusal of leave to enter and removal directions to China.
3. The judge allowed the appeal under Article 8 on the basis of return to China with whom the respondent had no connections.
4. Candidly Miss Qureshi did not seek to argue the judge had not erred in law. She was correct to do so. The reasons letter accompanying the decision of the same date make unambiguous reference to the respondent being a national of Nigeria. His nationality is not in dispute and has never been.
5. Mr Jarvis explained that the Notice of Decision would be amended to reflect the respondent's nationality. We set aside the decision and remit the matter to Judge Eban to determine the appeal in accordance with the amended notice, taking into account Miss Qureshi's indication that no further evidence is anticipated.



Signed

Date 12 November 2015

Upper Tribunal Judge Dawson