



IAC-FH-AR-V1

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

Appeal Number: AA/03912/2014

**THE IMMIGRATION ACTS**

**Heard at Field House  
On 4 March 2016**

**Decision & Reasons  
Promulgated  
On 13 April 2016**

**Before**

**DEPUTY UPPER TRIBUNAL JUDGE HILL QC**

**Between**

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

Appellant

**and**

**F R M I  
(ANONYMITY DIRECTION MADE)**

Respondent

**Representation:**

For the Appellant: Mr L Tarlow, Home Office Presenting Officer  
For the Respondent: Mr J Wells, M & K Solicitors

**DECISION AND REASONS**

1. This is an appeal brought by the Secretary of State in relation to a decision of First-tier Tribunal Judge Hollingworth which was promulgated on 9 December 2014. The grounds alleged in relation to error of law deal

exclusively with the absence of sufficient reasoning pursuant to which an objective reader can be satisfied that the judge has made clear findings and reasoned conclusions.

2. Mr Wells who responds to this appeal very fairly and properly concedes that the grounds in this case are made out.
3. The thrust of the judge's decision appears at paragraph 28 of the determination where the judge states: "I find accordingly that the necessary degree of risk has been established". What is plainly lacking from that decision are the various steps in his reasoning and thought process leading to that conclusion. The matter in this instance was rendered complicated by the fact that at least two other judges had looked at either this case or a related case concerning the appellant's husband and there are repeated references in the determination to prior decisions of Judge Osborne and of Judge Juss.
4. Bearing in mind the inevitable conclusion that this case will be remitted for a rehearing there is no useful purpose in my relating the factual background or what was in dispute in this appeal.
5. Suffice it to say the grounds having been made out I must allow the appeal and quash the determination of the First-tier Tribunal Judge and order that the matter is remitted to the First-tier Tribunal for a hearing de novo where all of these matters can be addressed.

### **Notice of Decision**

Appeal Allowed

Matter remitted to First-tier Tribunal for redetermination

### **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 *Mark Hill*

Date

2 April 2016

Deputy Upper Tribunal Judge Hill QC