



**Upper Tribunal  
(Immigration and Asylum Chamber)  
AA/05166/2015**

**Appeal Number:**

**THE IMMIGRATION ACTS**

**Heard at Royal Courts of Justice  
On 19 June 2017**

**Decision & Reasons  
Promulgated  
On 20 June 2017**

**Decision prepared 19 June 2017.**

**Before**

**UPPER TRIBUNAL JUDGE MCGEACHY**

**Between**

**MAJEED JAFERI**

Appellant

**and**

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

Respondent

**Representation:**

For the Appellant: Ms R Moffatt, of Counsel instructed by Kent Law Clinic

For the Respondent: Mr S Whitwell, Senior Home Office Presenting Officer

**DECISION AND REASONS**

1. On 29 February 2016 Upper Tribunal Judge Rimington set aside the determination of the Judge in the First-tier on the basis that he had erred in his consideration of the rights of the appellant under Article 8 of the ECHR. The decision of the judge to dismiss the asylum claim was upheld.
2. Judge Rimington ordered that the appeal be adjourned to a further hearing in the Upper Tribunal on the issue of the rights of the appellant under Article 8 and preserved the findings of the First-tier Judge with regard to the appellant's relationship with his partner, their child and his

partner's daughter. The appeal was adjourned to await the sentencing of the appellant on drugs offences.

3. The appellant has now been sentenced and the respondent has made a first decision to deport but has not yet made a deportation order. Mr Whitwell produced, at the hearing, a letter from the appellant's partner's mother, Ms H, which asserted that the appellant was no longer in a relationship with his partner. He asked that the appeal be adjourned to a further hearing so that her evidence could be heard. Moreover, it was appropriate that the respondent make a decision to deport before the appeal was further considered by the Tribunal. Both representatives considered that it was appropriate that the appeal proceed to a further hearing in the First-tier, limited to the issues of the rights of the appellant under Article 8 of the ECHR and that the hearing should be a hearing afresh: no findings of fact should be preserved. I was asked to order that the appeal be listed for a for mention hearing in the First-tier as it might be that by then a decision had been made to deport against which the appellant wished to appeal.
4. I therefore remit the appeal for a hearing afresh in the First-tier limited to the issue of the rights of the appellant under Article 8 of the ECHR. No findings of fact are preserved.

Directions

The appeal is to be listed for a for mention hearing after the 1<sup>st</sup> week of August 2017 at Taylor House.

Signed  
2017



Date: 19 June

Upper Tribunal Judge McGeachy.