



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

Appeal Number: HU/11029/2017

**THE IMMIGRATION ACTS**

**No hearing**

**30 October 2018**

**Decision & Reasons  
Promulgated  
On 12 November 2018**

**Before**

**MR C M G OCKELTON, VICE PRESIDENT**

**Between**

**MORUFAT OMOLARA ANIFOWOSHE**

**and**

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

Appellant

Respondent

**DETERMINATION AND REASONS**

1. On 26 September 2018, I wrote to the parties as follows:

“In this case permission was sought on the basis of articles 2, 3, 5 and 8 of the European Convention on Human Rights. It was granted on article 8, because it is arguable that the Judge took a wrong approach to the best interests of the child. It was refused on the basis of articles 2, 3 and 5 because there was no evidential support for any claim under those articles.

The respondent has now indicated that he will withdraw his case opposing the appeal. If that withdrawal is accepted, the Tribunal would, without a hearing, set aside the judge’s dismissal of the appeal and substitute a determination allowing the appeal on article 8 (EX.1) grounds only.

As at present advised I propose to adopt that course of action, but will consider any submissions to the contrary received within **21 days** of the date of this letter.”

2. No submissions have been received. I now set aside the determination of the First-tier Tribunal for error of law in that the judge failed properly to apply the law to the determination of the article 8 claim.
3. I substitute a determination allowing the appeal on the article 8 grounds only.

C. M. G. OCKELTON  
VICE PRESIDENT OF THE UPPER TRIBUNAL  
IMMIGRATION AND ASYLUM CHAMBER  
Date: 30 October 2018.