



Upper Tribunal
(Immigration and Asylum Chamber)

Appeal Number: IA/30527/2015

THE IMMIGRATION ACTS

Determined at Field House
On 12th March 2018

Decision & reasons Promulgated
On 24th May 2018

Before

DEPUTY UPPER TRIBUNAL JUDGE SAINI

Between

MRS NAZMA BEGUM
(ANONYMITY DIRECTION NOT MADE)

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellants: Mr P Richardson, Counsel, instructed by Lawland Solicitors

For the Respondent: Ms K Pal, Senior Home Office Presenting Officer

DECISION BY CONSENT AND DIRECTIONS

Decision by Consent

1. Pursuant to Rule 39 of the Tribunal Procedure (Upper Tribunal) Rules 2008 and by the consent of the parties the following order is made:

Upon the parties' agreement that the determination of the First-tier Tribunal promulgated on 4 October 2016 discloses a material error of law, it is hereby ordered by consent as follows:

- (i) The First-tier Tribunal Judge made errors in law in relation to the failure to grant an adjournment for the Appellant to obtain medical evidence relating to her learning disabilities, and the judge failed to consider evidence of the Appellant's relationship with her husband contained in the Appellant's bundle before rejecting that relationship (as expanded upon in the Appellant's grounds of appeal challenging the FTT's decision).
 - (ii) The decision is set aside in its entirety with no findings preserved.
 - (iii) The matter is to be remitted to be heard by a Judge of the First-tier Tribunal other than Judge M A Khan.
2. The Appellant's appeal to the Upper Tribunal is therefore allowed.
 3. The decision of the First-tier Tribunal is set aside for legal error by consent.

Signed

Date: 12 April 2018

Deputy Upper Tribunal Judge Saini