



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

Appeal Number: HU/02194/2018

THE IMMIGRATION ACTS

**Heard at Field House
On 26th February 2019**

**Decision & Reasons Promulgated
On 12th March 2019**

Before

Upper Tribunal Judge Chalkley

Between

**SHANICE [M]
(ANONYMITY DIRECTION NOT MADE)**

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Mr A Kanu, a representative trading as League For Human Rights

For the Respondent: Mr Lindsay, a Home Office Presenting Officer

DECISION AND REASONS

1. The appellant is a citizen of Jamaica born on 22nd July 2000. She sought entry clearance as a child for settlement in the United Kingdom by application made on 25th July 2017 when she was 17 years of age. The respondent refused her application on 13th October 2017 and the appellant appealed. Her appeal was heard by First-tier Tribunal Judge Freer at Taylor House on 7th December 2018.

2. The judge found that the appellant's father had sole responsibility for the appellant but dismissed the appeal on the basis that the appellant's father had a current Jamaican passport which did not show that he was a settled person in the United Kingdom.
3. This morning Mr Lindsay on behalf of the Secretary of State has confirmed that the appellant's father is a settled person in the United Kingdom. Despite my asking him why the respondent should not allow the appeal, he told me that the respondent was not satisfied that the appellant's father had sole responsibility for the appellant. I pointed out to him that the judge found otherwise and that finding was not challenged.
4. As a result, I am satisfied that the decision of First-tier Tribunal Judge Ian Freer did contain an error of law and I set aside that decision. The judge was satisfied as to the question of sole responsibility and I am satisfied, on the basis of representations made to me and confirmed by the Home Office Presenting Officer that the appellant's father has indefinite leave to remain in the United Kingdom.

Notice of Decision

5. This appeal is allowed.

Richard Chalkley
Upper Tribunal Judge Chalkley

TO THE RESPONDENT
FEE AWARD

As I have allowed the appeal and because a fee has been paid or is payable, I have considered making a fee award and have decided to make a fee award of any fee which has been paid or may be payable (adjusted where full award not justified) for the following reason. The appeal is allowed.

Richard Chalkley
Upper Tribunal Judge Chalkley

dated 07 March 2019