



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

Appeal Number: HU/00312/2020 (P)

**THE IMMIGRATION ACTS**

**Decided under Rule 34  
On 13 August 2020**

**Decision & Reasons Promulgated  
On 19 August 2020**

**Before**

**UPPER TRIBUNAL JUDGE FRANCES**

**Between**

**M A E  
(ANONYMITY DIRECTION MADE)**

Appellant

**and**

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

Respondent

**DECISION AND REASONS**

1. The Appellant is a citizen of Jamaica born on 27 April 1945. She appeals against the decision of First-tier Tribunal Judge Hawden-Beal, dated 3 March 2020, dismissing her appeal against the refusal of leave to remain on human rights grounds.
2. Permission to appeal was granted by First-tier Tribunal Judge Keane on the ground it was arguable the judge failed to properly consider paragraph E.X. 2 of Appendix FM.
3. It was agreed by the parties that there was an error of law and the decision should be set aside under Rule 43 of the Tribunal Procedure (Upper Tribunal) Rules 2008.
4. In the Rule 24 response, the Respondent submitted the judge did not consider insurmountable obstacles on a cumulative basis and the matter

should be remitted to the First-tier Tribunal. The Appellant did not make further submissions given the concession by the Respondent and agreed the matter should be remitted.

5. I find that the judge erred in law and I set aside the decision dated 3 March 2020. None of the judge's findings are preserved. The appeal is remitted to the First-tier Tribunal for re-hearing.

### **Notice of decision**

### **Appeal allowed**

### **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 his 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.

**J Frances**

Signed  
Upper Tribunal Judge Frances

Date: 13 August 2020

### **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 no fee award because the Appellant's appeal remains outstanding.

**J Frances**

Signed  
Upper Tribunal Judge Frances

Date: 13 August 2020