



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

Appeal Number: HU/20077/2019

THE IMMIGRATION ACTS

**Heard at Edinburgh
On 30 June 2022**

**Decision & Reasons Promulgated
On 26 July 2022**

Before

MR C M G OCKELTON, VICE PRESIDENT

Between

AHMED ABDELRHMAN HUSSIEN ABDELRHMAN ALIDINAR

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Mr Ross, of Ethnic Minorities Law Centre.

For the Respondent: Mr Mullan, Senior Home Office Presenting Officer.

DECISION AND REASONS

1. The appellant, a national of Sudan, appealed to the First-tier Tribunal against the decision of the respondent on 11 November 2019 refusing him entry clearance. His appeal was dismissed by Judge Stevenson. Applications for permission to appeal against that decision were refused by the First-tier Tribunal and by this Tribunal. The appellant then brought proceedings for judicial review of the latter decision, which were settled by consent. The decision of the Upper Tribunal refusing permission was reduced; so the appellant's application for permission remains outstanding. I heard oral submissions from Mr Ross on behalf of the appellant and Mr Mullan on behalf of the respondent.

2. This appeal is on human rights grounds. The appellant claims that the refusal to allow him to leave Sudan for the United Kingdom to join his family here infringes his rights under article 8. He set out a number of reasons why that was so. The judge at the First-tier Tribunal observed that some of those were factors which would support a protection claim if he were outside the United Kingdom and, apparently for that reason alone, failed to reach a conclusion on them.
3. In reaching a conclusion on article 8, the judge was obliged to take into account all relevant factors. The circumstances of the appellant's life in Sudan are clearly relevant in those terms. The judge, as it appears to me, more than arguably erred in failing to take into account, and reach conclusions on, all relevant factors.
4. For the foregoing reasons I grant permission. The parties having agreed that the hearing, listed as for permission only, should be treated as the hearing of the appeal, I proceed to determine the appeal. The First-tier Tribunal erred in law for the reason I have set out in granting permission. I set aside the decision of Judge Stevenson. I remit the appellant's appeal to the First-tier Tribunal for a fresh decision on it.

C.M.G. Ockelton

C. M. G. OCKELTON
VICE PRESIDENT OF THE UPPER TRIBUNAL
IMMIGRATION AND ASYLUM CHAMBER
Date: 25 July 2022