



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

Appeal Number: HU/07325/2018

THE IMMIGRATION ACTS

Heard at Field House

On 25th February 2019

**Typed, corrected, signed and
sent to Promulgation on 6th March 2019**

**Decision & Reasons
Promulgated**

On 11th March 2019

Before

Upper Tribunal Judge Chalkley

Between

**KIMESHA MCCLEOD
(ANONYMITY DIRECTION NOT MADE)**

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Mr A Ojo, Legal Representative, Law Eagles

For the Respondent: Mr N McGirr, Senior Home Office Presenting Officer

REASONS FOR FINDING AN ERROR OF LAW

1. The appellant is a national of Jamaica born on 23rd January 1995 and she applied for indefinite leave to remain in the United Kingdom on 14th March 2017. That application was refused by the respondent on 7th March 2018.

2. It is asserted by the respondent that the appellant's circumstances had changed since two previous issues of discretionary leave had been granted to her, first on 26th January 2011 and later on 12th March 2014, namely the fact that she was no longer in a relationship with a British citizen and instead was in a relationship with another Jamaican citizen who had no status in the United Kingdom. The appellant appealed to the First Tier Tribunal.
3. The appeal was heard by First-tier Tribunal Judge Clarke at Taylor House. Unfortunately, nowhere in the judge's decision does he identify what standard of proof he relied upon. The grounds of challenge were unnecessarily lengthy, the obvious error appears to have been identified by First-tier Tribunal Judge Mark Davies, who granted leave to appeal on 19th December 2018.
4. Mr McGirr suggested that there was no error of law because the findings of fact speak for themselves, but of course without a clear indication of the standard of proof the judge has applied to the determination, one cannot ascertain whether he was entitled to make those findings. The other difficulty is that the First Tier Tribunal Judge has not set out anywhere in the determination what the evidence was that he heard.

Notice of Decision

5. I find that the determination cannot stand and the matter will have to be remitted to the First-tier Tribunal in order that clear, logical and properly reasoned detailed findings can be made on the evidence.

Richard Chalkley

Upper Tribunal Judge Chalkley