



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

PA/00954/2018

THE IMMIGRATION ACTS

**Heard at Glasgow
on 23 November 2018**

**Decision & Reasons
Promulgated
on 28 November 2018**

Before

UPPER TRIBUNAL JUDGE MACLEMAN

Between

JASKIRAN [K]

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

For the Appellant: Ms N Loughran, of Loughran & Co, Solicitors
For the Respondent: Mrs M O'Brien, Senior Home Office Presenting Officer

DETERMINATION AND REASONS

1. This determination is to be read with:
 - (i) The respondent's decision dated 29 January 2018, refusing the appellant's claim.
 - (ii) The appellant's grounds of appeal to the First-tier Tribunal.
 - (iii) The decision of FtT Judge I Ross, promulgated on 22 March 2018.

- (iv) The appellant's grounds of appeal to the UT, stated in the application for permission to appeal made to the FtT, dated 6 April 2018, at section C.
 - (v) The FtT's refusal of permission, dated 24 April 2018.
 - (vi) The appellant's grounds of appeal as stated in the application for permission to appeal filed with the UT on 25 May 2018.
 - (vii) The grant of permission by the UT, dated 27 June 2018.
2. Mrs O'Brien conceded that the judge had misapprehended the evidence on an important aspect of the case, and that it could not be said that the resulting negative findings had no impact on the rest of the FtT's reasoning.
 3. The decision of the FtT is **set aside**. It stands only as a record of what was said at the hearing.
 4. The nature of the case is such that it is appropriate under section 12 of the 2007 Act, and under Practice Statement 7.2, to remit to the FtT for an entirely fresh hearing.
 5. The member(s) of the FtT chosen to consider the case are not to include Judge Ross.
 6. No anonymity direction has been requested or made.



23 November 2018
Upper Tribunal Judge Macleman