



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

Appeal Number: PA/11262/2017

THE IMMIGRATION ACTS

Heard at Glasgow

**Determination re-issued under
rule 42**

On 28 September 2018

On 17 October 2018

Before

UPPER TRIBUNAL JUDGE MACLEMAN

Between

MOSTAFA [A]

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

For the Appellant: Mr G P McGowan, of Quinn Martin & Langan Solicitors

For the Respondent: Mr A Govan, Senior Home Office Presenting Officer

DETERMINATION AND REASONS

1. This decision is to be read with:
 - (i) The respondent's decision dated 20 October 2017, refusing the appellant's claim.
 - (ii) The appellant's grounds of appeal to the First-tier Tribunal.
 - (iii) The decision of FtT Judge Sorrell, promulgated on 18 January 2018.

- (iv) The appellant's grounds of appeal to the UT (1 - 7) stated in the application for permission to appeal filed on 31 January 2018.
 - (v) The grant of permission by FtT Judge Hollingworth, dated 24 February 2018.
 - (vi) The respondent's rule 24 response, dated 20 March 2018, to the grant of permission.
 - (vii) The letter from the appellant's solicitors dated 26 September 2018, seeking to argue a further ground (8) based on *TF & MA v SSHD* [2018] CSIH 58.
2. Mr Govan did not oppose amendment of the grounds.
 3. The record of proceedings provided by the appellant supports the proposition that the judge erred as contended in ground (7), by misunderstanding the evidence of Mr Taylor, which had not been that he doubted the sincerity of the appellant, but that at one stage it had been thought desirable for him to undertake further religious learning, following which he was considered ready for baptism. Mr Govan confirmed that the note kept by his colleague was similar. He acknowledged that there were two other errors of fact, and that these all fed into grounds (7) and (8).
 4. The following outcome was agreed.
 5. The decision of the FtT is set aside.
 6. The nature of the case is such that it is appropriate under section 12 of the 2002 Act and Practice Statement 7.2 to remit to the FtT for an entirely fresh hearing.
 7. The member(s) of the FtT chosen to consider the case are not to include Judge Sorrell.
 8. No anonymity direction has been requested or made.
 9. This decision, as originally issued, said at paragraph 5 that the FtT's decision stood as a record of what had been said. The appellant's solicitors point out in a letter dated 8 October 2018 that it was agreed the record was not (entirely) accurate. This decision is accordingly re-issued under rule 42, without the relevant sentence, to avoid any ambiguity and future doubt.



10 October 2018
Upper Tribunal Judge Macleman

