



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

HU/11457/2017

THE IMMIGRATION ACTS

Heard at Glasgow
On 31 January 2019

Decision & Reasons Promulgated
On 14 February 2019

Before

UPPER TRIBUNAL JUDGE MACLEMAN

Between

MUHAMMAD [K]

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

For the Appellant: Mr S Winter, Advocate, instructed by Anderson Rizwan,
Solicitors

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

DETERMINATION AND REASONS

1. The appellant has permission to appeal against the decision of FtT Judge Handley, promulgated on 11 July 2018.
2. Section 117B(6) of the 2002 Act called for the FtT to consider whether the appellant had a genuine and subsisting relationship with a qualifying child, and whether it would be reasonable to expect any such child to leave the UK.

3. Mr Govan conceded that the first ground of appeal shows that although the judge finds that the appellant has “limited contact” with his children, he makes no clear finding on whether he has a genuine and subsisting parental relationship with his “qualifying child”, and no finding on whether it would be reasonable to expect that child to go to Pakistan.
4. The second ground, absence of any clear finding about the best interests of the children, is also well taken.
5. The outcome is as agreed between the parties.
6. The decision of the FtT is set aside. It stands only as a record of what was said at the hearing. 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. The member(s) of the FtT chosen to consider the case are not to include Judge Handley.
7. No anonymity direction has been requested or made.

A handwritten signature in black ink, appearing to read "Hugh Macleman". The signature is written in a cursive style with a large, stylized initial 'H'.

31 January 2019
UT Judge Macleman