



Upper Tribunal
(Immigration and Asylum Chamber)

PA/11109/2016

THE IMMIGRATION ACTS

Heard at Glasgow
on 12 September 2019

Decision & Reasons Promulgated
on 17 September 2019

Before

UT JUDGE MACLEMAN

Between

X F X

and

Appellant

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation

For the Appellant: Ms Todd, of Latta & Co, Solicitors

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

DETERMINATION

1. The respondent accepts that the appellant is a citizen of China. She gives her date of birth as 23 September 1998. She appeals to the UT against the decision of FtT Judge Mackenzie, dismissing her appeal, promulgated on 14 December 2018.
2. This determination is to be read as incorporating my decision dated 24 July 2019, setting aside the decision of the FtT.

3. Mr Govan advised that on checking with the Competent Authority, it had no record of a request to reconsider submitted by the appellant on 11 June 2019, with the support of Glasgow City Council, as a support provider. He accepted, based on emails exhibited to him by Ms Todd, that such a request had been made. No doubt both parties will look further into this.
4. It was common ground, however, that the case should now be remitted to the FtT for an entirely fresh decision, and that re-hearing should be expected to proceed, whether or not the Competent Authority accepts a request to reconsider, and without delaying for an outcome.
5. 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 previous decisions of the FtT stand only as a record of what was said at the hearings.
6. The member(s) of the FtT chosen to consider the case are not to include Judge Mackenzie, Judge Doyle, or any other Judge who has made any previous decision in the case.
7. The FtT made an anonymity direction, which is preserved.

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

13 September 2019
UT Judge Macleman