



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

HU/14682/2019

THE IMMIGRATION ACTS

**Heard at Edinburgh
On 27 February 2020**

**Decision & Reasons Promulgated
On 5 March 2020**

Before

UPPER TRIBUNAL JUDGE MACLEMAN

Between

KULDIP SINGH

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

For the Appellant: Mr S Winter, Advocate, instructed by A J Bradley & Co,
Solicitors

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

DETERMINATION AND REASONS

1. The appellant appeals against a decision by First-tier Tribunal Judge Doyle, promulgated on 5 December 2019.
2. The judge was told that the appellant refused to leave the detention centre where he was held in order to attend the hearing. As might be expected, the judge declined to adjourn.
3. Medical records have been produced. It emerges that the appellant was unable to attend because he was unwell.

4. There was some miscommunication. It is irrelevant who is to blame.
5. Through no fault of the judge, there has been procedural unfairness.
6. The decision of the FtT is set aside. It stands only as a record of what was said at the hearing.
7. 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.
8. The member(s) of the FtT chosen to consider the case are not to include Judge Doyle.
9. No anonymity direction has been requested or made.

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

27 February 2020
UT Judge Macleman