



IN THE UPPER TRIBUNAL  
IMMIGRATION AND ASYLUM CHAMBER

Appeal No: PA/09244/2017

THE IMMIGRATION ACTS

Decision & Reasons Issued:  
On 22 December 2023

Before

UPPER TRIBUNAL JUDGE MACLEMAN

Between

**RAVICHANDRAN JOSEPH**

Appellant

and

S S H D

Respondent

For the Appellant: Mr S Winter, Advocate  
For the Respondent: Mr M Diwyncz, Senior Home Office Presenting Officer

Heard at Edinburgh on 13 December 2023

DECISION AND REASONS

1. The respondent refused the appellant's asylum claim by a decision dated 24 November 2016. FtT Judge Mozolowski heard his appeal on 9 November 2017 and dismissed it by her decision promulgated on 16 January 2018.
2. The appellant sought permission to appeal to the UT on grounds set out at paragraphs 1 - 8 of his application dated 2 February 2018. FtT Judge Saffer refused permission on 13 February 2018, on the view that the grounds were only disagreement.
3. The appellant applied to the UT for permission, renewing the grounds as set out at 1 (a) - (f) of his application dated 6 March 2018. UT Judge

Feeman refused permission on 8 June 2018, on the view that the grounds did not deal with the rejection at [50] of the appellant's core credibility.

4. The appellant petitioned the Court for reduction of the UT's refusal of permission. Parties entered into a joint minute agreeing, in particular, that the FtT at [42] misdirected itself in that the appellant's statement was not that "*his passport was taken there days after he left detention*" but that "*he found out after he left detention that the passport was taken around three days after his detention had started*"; and that the error was material, because the FtT said at [42] that it was important, and "*highlighted*" it in reaching its conclusion at [50].
5. On 27 July 2023 the Vice President of the UT granted permission in light of the joint minute and the Court's interlocutor following thereon.
6. The copy of the joint minute provided is undated, but the delay appears to have occurred because neither party advised the UT of the outcome in the Court, until the appellant recently instructed new agents who enquired into the status of his case.
7. Mr Diwyncz, in light of the extent of the concession in the joint minute, agreed that the outcome should be follows.
8. The decision of the FtT is **set aside**. It stands only as a record of what took place at the hearing. The case is **remitted** to the FtT for a fresh hearing.
9. No anonymity order has been requested or made.

Hugh Macleman

Judge of the Upper Tribunal  
Immigration and Asylum Chamber  
13 December 2023