



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

Appeal Number: IA/34911/2015

THE IMMIGRATION ACTS

**Heard at Field House
On 16th November, 2017**

**Decision & Reasons Promulgated
On 20th December, 2017**

Before

Upper Tribunal Judge Chalkley

Between

**IMTIYAZ YUSUF KALIDAS
(ANONYMITY DIRECTION NOT MADE)**

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

*For the Appellant: The Appellant did not appear and was not represented
For the Respondent: Mr Walker, Senior Home Office Presenting Officer*

DECISION AND REASONS

1. The appellant is a citizen of India who was born on 7th July, 1987. He appealed to the First Tier Tribunal against the refusal of the Secretary of State dated 15th September, 2015, refusing him leave to remain outside the Rules. The appeal was heard by First-tier Tribunal Judge Dr Majid at Taylor House without an oral hearing.

2. The judge dismissed the appellant's appeal. The appellant applied for and was granted permission to appeal to the Upper Tribunal.
3. In dismissing the appellant's appeal, the judge failed to look at or consider any evidence and dismissed the appellant's appeal after having only read the respondent's decision and reasons for it. The determination does not give any indication as to the standard of proof applied by the judge.
4. Mr Walker quite rightly indicated that the determination could not possibly stand.
5. I set aside the determination of First-tier Tribunal Judge Majid. I accept that it does contain material errors of law, namely the failure to indicate the standard of proof the judge applied. It is also quite clear that he failed to consider any evidence he did have before him, being the copy of the appellant's application and the grounds of appeal.
6. I am satisfied that the appellant has effectively been denied a fair hearing and in the circumstances, I direct that the appeal should be heard afresh by a First-tier Tribunal Judge other than First-tier Tribunal Judge Majid.

Richard Chalkley

Upper Tribunal Judge Chalkley