



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

Appeal Number: PA/04606/2016

THE IMMIGRATION ACTS

**Heard at Glasgow
on 31 May 2017**

**Determination issued
On 2 June 2017**

Before

UPPER TRIBUNAL JUDGE MACLEMAN

Between

[J A]

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

For the Appellant: Miss L McCrorie, of Loughran & Co, Solicitors
For the Respondent: Mrs M O'Brien, Senior Home Office Presenting Officer

DETERMINATION AND REASONS

1. The appellant appeals against a determination by First-tier Tribunal Judge P A Grant-Hutchison, promulgated on 30 December 2016.
2. The grounds aver that the judge overlooked the appellant's evidence about the number of marriage proposals he made; how often and went he was beaten; his knowledge of the work hours of his lover's husband; and his reasons for not eloping with his lover.
3. Permission was granted by the FtT on the view that the judge's adverse credibility findings were briefly stated, and arguably were inadequate and failed to have regard to the appellant's evidence in response to the refusal decision.

4. The Presenting Officer conceded that the grounds disclosed error of law, such that the decision should be set aside. Miss McCrorie agreed that the outcome should be as follows.
5. The decision of the FtT is **set aside**. None of its findings are to stand, other than as a record of what was said at the hearing.
6. The nature of the case is such that it is appropriate in terms of section 12(2)(b)(i) of the 2007 Act and of Practice Statement 7.2 to **remit the case to the FtT** for an entirely fresh hearing.
7. The member(s) of the FtT chosen to consider the case are not to include Judge P A Grant-Hutchison.
8. 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'.

31 May 2017
Upper Tribunal Judge Macleman