



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

Appeal Number: PA/09608/2016

THE IMMIGRATION ACTS

**Heard at Glasgow
on 23 November 2017**

**Decision and Reasons
Promulgated
on 27 November 2017**

Before

UPPER TRIBUNAL JUDGE MACLEMAN

Between

**HAMID NADRI
(Anonymity Direction Not Made)**

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

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

For the Respondent: Mr M Matthews, Senior Home Office Presenting Officer

DETERMINATION AND REASONS

1. The appellant appeals against the decision of FtT Judge Fox, promulgated on 15 May 2017.
2. Mr Matthews did not concede that there is any substance in ground 1, which says that the judge incorrectly took "section 8" issues as a starting point.

3. Ground 2 is that the judge misapprehended the appellant's evidence, in that the appellant had not said he was the map-reader for his unit, which the judge saw as undermining his claim to be uneducated and illiterate. Mr Matthews said that the respondent's note of the evidence confirmed this ground was well taken.
4. The judge unfortunately has fallen into an error of fact, on a matter to which he gave quite a degree of significance, and which therefore amounts to an error of law.
5. Ground 3 is of lesser force, but Mr Matthews accepted it might also disclose that evidence about demonstrations might have been misapprehended or overlooked.
6. By concession and agreement, the case is resolved as follows.
7. The decision of the FtT is **set aside**. It stands only as a record of what was said at the hearing.
8. 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.
9. The member(s) of the FtT chosen to consider the case are not to include Judge Fox.
10. No anonymity direction has been requested or made.



24 November 2017
Upper Tribunal Judge Macleman