



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

Appeal Number: HU/01927/2017

THE IMMIGRATION ACTS

**Heard at Glasgow
on 14 September 2018**

**Determination
promulgated
on 28 September 2018**

Before

UPPER TRIBUNAL JUDGE MACLEMAN

Between

A S N HASSAN

Appellant

and

ENTRY CLEARANCE OFFICER

Respondent

For the Appellant: Mr S Winter, Advocate, instructed by Katani & Co,
Solicitors

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

DETERMINATION AND REASONS

1. This decision is to be read with:
 - (i) The respondent's decision dated 16 January 2017, refusing the appellant's application for entry clearance as the spouse of a refugee.
 - (ii) The decision by an entry clearance manager dated 13 April 2017, maintaining the refusal.

- (iii) The appellant's grounds of appeal to the First-tier Tribunal.
 - (iv) The decision of FtT Judge Clough, promulgated on 18 January 2018.
 - (v) The appellant's grounds of appeal to the UT, stated in the application for permission to appeal filed on 14 February 2018.
 - (vi) The grant of permission by FtT Judge Pooler, dated 4 April 2018.
2. Mr Govan conceded that the grounds at paragraph 2 (i) disclosed error. A discrepancy between the sponsor and the appellant over whether he left Sudan in January 2014 (as he said) or in October 2013 (as she said) was the judge's one reason for not relying upon documentary evidence purporting to show that they married on 1 January 2012. Everything had turned on that. The FtT made no other assessment of the reliability of the documents.
 3. Parties agreed on the following outcome.
 4. The decision of the FtT is **set aside**. It stands only as a record of what was said at the hearing. The nature of the case is such that it is appropriate under section 12 of the 2002 Act and Practice Statement 7.2 to remit to the FtT for an entirely fresh hearing. The member(s) of the FtT chosen to consider the case are not to include Judge Clough.
 5. No anonymity direction has been requested or made.



25 September 2018
Upper Tribunal Judge Macleman