



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

HU/10054/2016

THE IMMIGRATION ACTS

**Heard at Glasgow
On 8 November 2018**

**Determination & Reason
Promulgated
On 14 November 2018**

Before

UPPER TRIBUNAL JUDGE MACLEMAN

Between

WAQAS AHMED

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

DETERMINATION AND REASONS: case remitted to FtT

1. The appellant appeals against a decision by First-tier Tribunal Judge Buckwell, promulgated on 11 July 2017, dismissing his appeal against refusal of leave on human rights grounds.
2. The grounds of appeal are primarily on the lines that the FtT gave insufficient weight to the UK citizenship of the appellant's child.
3. Permission was refused by the FtT but granted by the UT, on the view that there was arguable error of approach to the question whether it would be reasonable to expect the UK citizen child to leave the country.

4. In a rule 24 response dated 25 July 2018 the respondent accepted that the decision should be set aside for error of law and invited the UT to remit to the FtT for a fresh hearing.
5. Unfortunately, the terms of that reply were not drawn to the attention of a judge, and the case was listed for hearing in the UT.
6. The appellant did not attend. Mr George Burt, who is not a qualified representative but a friend of the appellant, was present.
7. Mr A Govan, Senior Presenting Officer, confirmed the respondent's position, as above.
8. The decision of the FtT is **set aside**. It stands only as a record of what was said at the hearing. The nature of this 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 a fresh hearing. The member(s) of the FtT chosen to consider the case are not to include Judge Buckwell.
9. No anonymity direction has been requested or made.

A handwritten signature in black ink that reads "Hugh Macleman". The signature is written in a cursive style with a large, stylized initial 'H'.

8 November 2018
Upper Tribunal Judge Macleman