



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

Appeal Number: PA/06391/2018

THE IMMIGRATION ACTS

**Heard at Field House
On 31 October 2018**

**Decision & Reasons Promulgated
On 18 December 2018**

Before

**Upper Tribunal Judge
John FREEMAN**

Between

[N J]

appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

respondent

Representation:

For the appellant: *Charles Mannan*, (counsel instructed by Pillai & Jones)

For the respondent: Mr Chris Avery, Home Office Presenting Officer

DECISION AND REASONS

This is an appeal from Judge Alan Caskie, sitting at Taylor House on 2 August, by a lady who was born in Bangladesh in 1994. In April 2015 she applied for a multi-visit visa and was refused; but in August one was issued, valid until 29 February 2016. She arrived on that on 18 September 2015 and on 17 March 2016 her husband arrived applied for leave to remain as a student with her as his dependant. That was refused both originally in May and on administrative review in June and permission for judicial review was refused in October and also on oral renewal. Those proceedings ended with refusal of permission to appeal to the Court of Appeal on 10 August 2017.

2. The appellant was served with removal directions on 20 August 2017, and detained on the 26th. On 27 August her husband made a private and family life claim, naming her as dependant, and on 7 September that was refused as clearly unfounded. On 8 November this appellant claimed asylum, with her husband as dependant. On 4 May 2018 asylum was refused. It is enough to set out the history of this couple's applications to show that both of them faced serious credibility challenges. However the judge suggested that he should approach the appellant's case by taking it at its highest, and dealing with it on internal flight only.
3. As the judge recorded, the appellant's counsel objected, though the presenting officer did not, and the judge proceeded to do what he had proposed. It is easy to understand the temptation for judges of dealing with the cases on what may seem to them a simple point. However, in a case such as this, where there is a serious credibility challenge, it does not seem to me that this course was in the public interest, nor entirely fair to the appellant, and the result is that the decision is set aside. There will be a fresh hearing before another judge at Taylor House.

Appeal allowed: decision set aside

Fresh hearing in First-tier Tribunal at Taylor House, not before Judge Caskie

A handwritten signature in black ink, appearing to be 'JLR', written in a cursive style.

(a judge of the Upper Tribunal)