



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

Appeal Number: PA/10630/2017

THE IMMIGRATION ACTS

**Heard at Glasgow
On 11 October 2018**

**Decision & Reasons
Promulgated
On 31 October 2018**

Before

UPPER TRIBUNAL JUDGE RINTOUL

Between

**S H
(ANONYMITY ORDER MADE)**

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Ms L Irvine, instructed by Latta & Co solicitors

For the Respondent: Mrs O'Brien Senior Home Office Presenting Officer

**DECISION MADE PURSUANT TO RULES 34, 39 & 40 (3) OF THE
TRIBUNAL PROCEDURE (UPPER TRIBUNAL) RULES 2008**

1. The appellant appeals with permission against the decision of the Designated Judge of the First-tier Tribunal Murray promulgated on 28 December 2017.

2. It was agreed between the parties that, for the reasons set out in the grounds of appeal, and the grant of permission, that the decision of the First-tier Tribunal involved the making of an error of law.
3. Rule 40 (1) of the Tribunal Procedure (Upper Tribunal) Rules 2008 provided that the Upper Tribunal may give a decision orally at a hearing which I did to the effect that the decision did, as the respondent properly conceded, involve the making of an error of law. I was satisfied also that as the errors were such that none of the facts found could be preserved, that it was appropriate in all the circumstances to remit the appeal to the First-tier Tribunal for fresh findings to be made on all issues.
4. Rule 40 (3) provides that the Upper Tribunal must provide written reasons for its decision with a decision notice unless the parties have consented to the Upper Tribunal not giving written reasons. I am satisfied that the parties have given such consent at the hearing.

Notice of Decision

1. The decision of the First-tier Tribunal involved the making of an error of law and is set aside.
2. I remit the appeal to the First-tier Tribunal to be remade in its entirety. None of the findings made by the First-tier Tribunal are preserved.
3. The appeal must not be heard by Designated Judge Murray.

Signed

Date: 26 October 2018



Upper Tribunal Judge Rintoul

