



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

EA/08797/2017

THE IMMIGRATION ACTS

Heard at Glasgow
On 24 January 2019

Decision & Reasons
Promulgated
On 25 January 2019

Before

UPPER TRIBUNAL JUDGE MACLEMAN

Between

CONSTANTIN LACATUS

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

For the Appellant: Mr D McGlashan, of McGlashan MacKay, 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 Agnew, promulgated on 21 August 2018.
2. It was conceded for the respondent that the decision does not reach clear conclusions on the evidence which was before it, and could not stand as a legally adequate resolution of the case.
3. Based on discussions between representatives, the appellant may now in a position to apply for a registration certificate, with good prospects of

success. Any application will fall to be resolved on its merits, but it may be that would result in withdrawal of this case, and avoid further unnecessary process.

4. Mr McGlashan undertook to apply promptly, and said that should not take more than two weeks. Mr Matthews indicated that he would try to have the matter prioritised as far as possible.
5. The decision of the FtT is set aside. The nature of the case is such that it is appropriate under section 12 of the 2007 Act, and under 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 Agnew.
6. The case should not be listed in the FtT until on or after the first available date in April 2019. It should by then be clear whether matters have been resolved, or whether the re-hearing needs to proceed.
7. No anonymity direction has been requested or made.

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

24 January 2019
UT Judge Macleman