



Upper Tribunal
(Immigration and Asylum Chamber)

Appeal Number: HU/09186/2017

THE IMMIGRATION ACTS

Heard at Glasgow
on 1 March 2019

Decision & Reasons Promulgated
On 04 March 2019

Before

UPPER TRIBUNAL JUDGE MACLEMAN

Between

SAMRAWIT DANIEL

Appellant

and

ENTRY CLEARANCE OFFICER

Respondent

For the Appellant: Ms N Loughran, of Loughran & Co, Solicitors
For the Respondent: Mr A Govan, Senior Home Office Presenting Officer

DETERMINATION AND REASONS

1. The appellant appeals against a decision by First-tier Tribunal Judge Handley, promulgated on 18 September 2018, dismissing her appeal against refusal of entry clearance as a spouse.
2. Mr Govan conceded as follows. The judge's conclusion that there was no genuine relationship between the appellant and the sponsor involved error, as suggested in the grounds and in the grant of permission, by overlooking evidence of financial transfers, of other communications, and of constraints on evidencing communications for part of the relevant period. Parties agreed that the appropriate outcome was as follows.

3. The decision of the FtT is set aside. It stands only as a record of what was said at the hearing.
4. 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.
5. The member(s) of the FtT chosen to consider the case are not to include Judge Handley.
6. No anonymity direction has been requested or made.

A handwritten signature in black ink, appearing to read "Hugh Macleman". The signature is written in a cursive style with a large, stylized initial "H" and a distinct loop at the end.

1 March 2019
UT Judge Macleman