



**Upper Tribunal
(Immigration and Asylum Chamber)
HU/17720/2018**

Appeal Number:

THE IMMIGRATION ACTS

Heard at Field House

On 4 October 2019

**Decision and Reasons
Promulgated**

On 14 November 2019

Before

UPPER TRIBUNAL JUDGE GLEESON

Between

MUHAMMAD USMAN SIDDIQUE

(NO ANONYMITY ORDER MADE)

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Mr Sajid Mustafa, Counsel appearing by Direct Access

For the Respondent: Ms Alexandra Everett, a Senior Home Office Presenting Officer

DECISION AND REASONS

1. The appellant appeals with permission against the decision of First-tier Tribunal Judge M B Hussain who dismissed his appeal against the respondent's decision to refuse him leave to remain on human rights grounds either within or outwith the Immigration Rules HC395 (as amended).
2. Permission to appeal was granted on the basis of perversity and/or inadequacy of reasons, including in particular failure to take into account or to resolve conflicts of fact or opinion on material matters, giving weight to immaterial matters, making a material misdirection of law, procedural or other irregularity and mistakes as to material fact. To that I would add

speculation, with particular reference to the findings at [22] and [26]-[29] of the First-tier Tribunal decision, in which the Judge substitutes his own alleged knowledge for the evidence before him.

3. The grounds of appeal are made out. The First-tier Tribunal decision is both perverse and irrational and there is unfortunately no alternative but to remit this appeal to the First-tier Tribunal for rehearing afresh with no findings of fact or credibility preserved.

DECISION

4. For the foregoing reasons, my decision is as follows:

The making of the previous decision involved the making of an error on a point of law.

I set aside the previous decision.

The decision in this appeal will be remade in the First-tier Tribunal on a date to be fixed.

Signed **Judith AJC Gleeson**
November 2019
Upper Tribunal Judge Gleeson

Date: 12