



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

Appeal Number: PA/03606/2018

**THE IMMIGRATION ACTS**

**Heard at Glasgow  
On 18 January 2019**

**Decision & Reasons  
Promulgated  
On 28 January 2019**

**Before**

**UPPER TRIBUNAL JUDGE RINTOUL**

**Between**

**L T D  
(ANONYMITY ORDER MADE)**

Appellant

**and**

**THE SECRETARY OF STATE FOR THE HOME DEPARTMENT**

Respondent

**Representation:**

For the Appellant: Mr A J Bradley, Solicitor

For the Respondent: Mr M Matthews, 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 First-tier Tribunal promulgated on 18 September 2018.
2. Both parties agreed that the decision of the First-tier Tribunal involved the making of an error of law for the reasons set out in the grounds of appeal. They were right to do so. The decision is inadequately reasoned

in relation to the reliance on implausibility and, in relation to the issue of domestic violence, perverse. In the circumstances, the findings as to credibility and as to the facts are fundamentally undermined and unsustainable. In the circumstances, given that none of the findings of fact can be preserved, the appeal will have to be heard again and accordingly it is appropriate to remit it to the First-tier Tribunal.

3. There are a number of passages in the decision in which the judge has expressed herself in a manner which causes concern. Describing the appellants account in phrases such as “the realms of nonsense” [82] is wholly inappropriate.
4. 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. 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 for a fresh hearing on all issues.

Signed

Date: 21 January 2019



Upper Tribunal Judge Rintoul