



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

Appeal Number: PA/04973/2019

THE IMMIGRATION ACTS

Heard at Edinburgh
On 13 February 2020

Decision & Reasons Promulgated
On 4 March 2020

Before

UPPER TRIBUNAL JUDGE MACLEMAN

Between

MUSTAFA [I]

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

For the Appellant: Miss Crichton, of Katani & Co, Solicitors
For the Respondent: Mr Clark, Senior Home Office Presenting Officer

DETERMINATION AND REASONS

1. This is an appeal against the decision of FtT Judge Cowx, promulgated on 1 October 2019. There are 4 grounds, set out in an application dated 10 October 2019. The FtT granted permission on 2 December 2019.
2. Mr Clark conceded that the grounds disclosed errors by the FtT, particularly around the expert report, such that the decision fell to be set aside. It stands only as a record of what was said at the hearing.
3. There is a presumption that the UT will proceed to remake decisions, of which parties are reminded in directions issued with the grant of

permission. However, parties agreed that the nature of this 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.

4. The member(s) of the FtT chosen to consider the case are not to include Judge Cowx.
5. 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'.

13 February 2020
UT Judge Macleman