



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

PA/07343/2019

THE IMMIGRATION ACTS

**Heard at Edinburgh
On 20 February 2020**

**Decision & Reasons Promulgated
On 5 March 2020**

Before

UT JUDGE MACLEMAN

Between

T S M A

and

Appellant

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

For the Appellant: Mr U Aslam, of McGlashan MacKay, Solicitors
For the Respondent: Mr M Clark, Senior Home Office Presenting Officer

DETERMINATION AND REASONS

1. The appellant appeals against the decision of FtT Judge Farrelly, promulgated on 15 October 2019.
2. The grounds are set out in an application dated 29 October 2019. Paragraphs 1 and 5 are directed against the FtT's treatment of an expert report. Paragraphs 2 and 3 maintain that the FtT left out of account evidence of a connection between the appellant's family and [MS], and failed to say why witness evidence of that connection did not advance the case. (Paragraph 4 is narrative.)

3. Mr Clark conceded that the FtT erred at [37] by stating that the evidence of a witness did not advance the appeal, without giving a reason, either there or elsewhere in the decision; and that the error was sufficient to require a remit.
4. That was the outcome sought by Mr Aslam. It is unnecessary to resolve the grounds any further.
5. The decision of the FtT is set aside. It stands only as a record of what was said at the hearing.
6. 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.
7. The member(s) of the FtT chosen to consider the case are not to include Judge Farrelly.
8. The FtT made an anonymity direction, which is maintained herein.



20 February 2020
UT Judge Macleman