



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

PA/11533/2018 (P)

THE IMMIGRATION ACTS

Decided under rule 34

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

Before

Upper Tribunal JUDGE MACLEMAN

Between

**K K**

Appellant

and

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

Respondent

**DETERMINATION AND REASONS (P)**

1. FtT Judge Powell dismissed the appellant's appeal by a decision promulgated on 11 December 2018. On 20 August 2020, the FtT extended time and granted permission to appeal to the UT.
2. In response to the grant of permission and the UT's directions, the SSHD concedes that the FtT erred on whether the appellant's uncle, referred to in the evidence, was on his maternal or paternal side. The error appears to have originated not from the judge, but from the appellant's "lay representative" or "McKenzie friend".
3. The error had some bearing on the outcome. The SSHD concedes that it is material, and proposes a remit to the FtT.

4. Surprisingly, perhaps, there is nothing on file from the appellant in response to directions; but it is possible to resolve the case under rules 2 and 34, without a hearing.
5. The decision of the FtT is set aside, and stands only as a record of what was said at the hearing. Under section 12 of the 2007 Act, and under Practice Statement 7.2, the case is remitted to the FtT for a fresh hearing, not before Judge Powell.
6. The FtT's anonymity direction is maintained at this stage.

Hugh Macleman

UT Judge Macleman  
30 October 2020

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#### NOTIFICATION OF APPEAL RIGHTS

1. A person seeking permission to appeal against this decision must make a written application to the Upper Tribunal. Any such application must be **received** by the Upper Tribunal within the **appropriate period** after this decision was **sent** to the person making the application. The appropriate period varies, as follows, according to the location of the individual and the way in which the Upper Tribunal's decision was sent:
2. Where the person who appealed to the First-tier Tribunal is **in the United Kingdom** at the time that the application for permission to appeal is made, and is not in detention under the Immigration Acts, the appropriate period is **12 working days (10 working days, if the notice of decision is sent electronically)**.
3. Where the person making the application is in detention under the Immigration Acts, **the appropriate period is 7 working days (5 working days, if the notice of decision is sent electronically)**.
4. Where the person who appealed to the First-tier Tribunal is **outside the United Kingdom** at the time that the application for permission to appeal is made, the appropriate period is **38 days (10 working days, if the notice of decision is sent electronically)**.
5. A **"working day"** means any day except a Saturday or a Sunday, Christmas Day, Good Friday or a bank holiday.
6. The date when the decision is "sent" is that appearing on the covering letter or covering email.