



**Upper Tribunal
(Immigration and Asylum Chamber) Appeal Number: PA/02272/2018**

THE IMMIGRATION ACTS

**Heard at Glasgow
On 18 October 2018**

**Decision & Reasons
Promulgated
On 22 October 2018**

Before

UPPER TRIBUNAL JUDGE MACLEMAN

Between

MOHAMMAD [P]

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

For the Appellant: Ms H Cosgrove, of Latta & Co, Solicitors
For the Respondent: Mr M Matthews, Senior Home Office Presenting Officer

DETERMINATION AND REASONS

1. This decision is to be read with:
 - (i) The respondent's decision dated 31 January 2018, refusing the appellant's claim.
 - (ii) The appellant's grounds of appeal to the First-tier Tribunal.
 - (iii) The decision of FtT Judge Lea, promulgated on 26 March 2018.
 - (iv) The appellant's grounds of appeal to the UT, stated in the application for permission to appeal filed on 9 April 2018.

- (v) The grant of permission by FtT Judge Haria, dated 24 April 2018.
2. Mr Matthews conceded that the 3 grounds each disclosed error:
- (i) By founding on an inconsistency arising from the interview record, but overlooking that the appellant advanced amendments and explanations at an early stage. The judge was not bound to accept the explanation, but should have dealt with it.
 - (ii) By finding it unclear what happened between January and March to make the appellant ready for baptism, when there had been evidence of his church attendances and completion of a preparatory course over that period.
 - (iii) By founding on absence of a certificate or photographs of baptism, when there was other evidence to show it had taken place, the event was not in doubt, and the absence of further evidence was of no significance.
3. Mr Matthews said that the errors might not individually have made a difference, but that taken together, the decision could not safely stand.
4. The appellant agreed to the following outcome.
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 2002 Act and 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 Lea.
8. No anonymity direction has been requested or made.



18 October 2018
Upper Tribunal Judge Macleman