



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

Appeal Number: PA/12270/2016

**THE IMMIGRATION ACTS**

**Heard at Glasgow  
On 3 January 2018**

**Decision & Reasons  
Promulgated  
On 10 January 2018**

**Before**

**UPPER TRIBUNAL JUDGE MACLEMAN**

**Between**

**HAI HOANG**

Appellant

**and**

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

Respondent

For the Appellant: Miss L Irvine, Advocate, instructed by Latta & Co, Solicitors  
For the Respondent: Mr M Matthews, Senior Home Office Presenting Officer

**DETERMINATION AND REASONS**

1. The appellant appeals against a decision by Designated First-tier Tribunal Judge Murray, promulgated on 28 August 2017, dismissing his appeal on all grounds.
2. Without conceding all the detailed grounds of challenge, Mr Matthews accepted that the judge went wrong in relying on the age assessment, although she had acknowledged earlier in her decision that the assessment had been discarded by the local authority which made it; that

a finding on age was needed; and that this impacted upon the article 8 outcome.

3. Although that appeared to be the only substantial issue of fact, the appellant preferred the outcome to be a remit to the FtT, and the respondent did not oppose that course.
4. The decision of the FtT is **set aside**. It stands only as a record of what was said at the hearing. The case is **remitted to the FtT** for a fresh hearing.
5. The member(s) of the FtT chosen to consider the case are not to include Judge Murray.
6. No anonymity direction has been requested or made.

A handwritten signature in black ink that reads "Hugh Macleman". The signature is written in a cursive style with a large, stylized initial 'H'.

4 January 2018  
Upper Tribunal Judge Macleman