



Upper Tribunal  
(Immigration and Asylum Chamber)

Appeal Number: HU/16041/2016

**THE IMMIGRATION ACTS**

Heard at Manchester  
And given extempore on  
3<sup>rd</sup> September 2019

Decision & Reasons Promulgated  
On 16<sup>th</sup> September 2019

Before

Upper Tribunal Judge Chalkley

Between

MUHAMMAD [K]  
(ANONYMITY DIRECTION NOT MADE)

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

**Representation:**

For the Appellant: *Knightsbridge Solicitors and Mr Brown of Counsel appears on their behalf*

For the Respondent: *Mr Bates, a Senior Home Office Presenting Officer*

**REASONS FOR FINDING AN ERROR OF LAW**

1. The appellant is a national of Pakistan who was born on 4<sup>th</sup> March, 1979. He entered the United Kingdom on 4<sup>th</sup> August 2014 with leave as a student until 31<sup>st</sup> October, 2005. That leave was later extended on two occasions and finally until 31<sup>st</sup> January, 2010.

2. On 28<sup>th</sup> January 2015 the appellant applied for leave to remain in the United Kingdom on the basis of his family and private life. The application was refused on 9<sup>th</sup> June 2016 and the appellant appealed to the First-tier Tribunal. His appeal was heard by First-tier Tribunal Judge Peter John S White at Taylor House on 31<sup>st</sup> January, 2019.
3. The judge had before him medical reports indicating that the appellant was suffering from a life threatening illness and required regular dialysis. The judge failed to deal with the question of the appellant's integration on return to Pakistan in the terms of paragraph 276ADE. The judge was concerned that the matter was a new matter that had not previously been raised with the respondent, but as Mr Bates pointed out to me this, was something that could have been dealt with either by him speaking to another Presenting Officer in the building on the day of the hearing or simply by standing over the matter for a brief adjournment so that the Home Office could send a Presenting Officer on the next occasion.
4. I am satisfied that the First-tier Tribunal Judge has materially erred in law and I set aside his determination. The appellant has effectively been denied a fair hearing and I remit it to the First-tier Tribunal for hearing before a judge other than First-tier Tribunal Judge Peter John S White. An Urdu speaking interpreter will be required for the hearing and two and a half hours should be allowed.

*Richard Chalkley*

Upper Tribunal Judge Chalkley

Date: 10<sup>th</sup> September 2019