



Upper Tribunal  
(Immigration and Asylum Chamber)

Appeal Numbers: HU/15596/2016  
HU/15599/2016  
HU/15603/2016  
HU/15607/2016

**THE IMMIGRATION ACTS**

Heard at Field House  
On 24 October 2017

Decision & Reasons Promulgated  
On 2 November 2017

Before

UPPER TRIBUNAL JUDGE GLEESON

Between

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Appellant

and

FATHIMATH [F]  
ABDUL [M]  
AISHATH [M]  
ASIYATH [M]  
(NO ANONYMITY ORDER MADE)

Respondents

**Representation:**

For the Appellants: Mr Peter Deller, Home Office Presenting Officer  
For the Respondents: Mr Abdul Basith, Solicitor of Taj Solicitors

**DECISION AND REASONS**

1. The claimants are a husband and wife and their two minor children from the Maldives. They appealed successfully to the First-Tier Tribunal (First-tier Tribunal Judge Majid) against the decision of the Secretary of State refusing them leave to remain in the United Kingdom on human rights grounds.

2. The Secretary of State challenges that decision in the following terms:-

“(i) At paragraph 27 of the decision the Tribunal allows this appeal. It is not clear what has been allowed here but it appears to have been a decision made on Article 8 grounds. It is submitted that the Tribunal has failed to either make a clear decision on the outcome of the appeal and more importantly to give any reasons for such findings.

(ii) It would appear that this failing is characteristic of this particular Tribunal Judge. As interesting as it may be to be informed about Saddam Hussain, Tony Benn, Sir Frederick Lawton or Lord Leicester, it is submitted that these are not adequate substitutes for an assessment of the evidence and recent findings. In this determination there are absolutely no findings. It is therefore submitted that this decision is unsustainable and permission to appeal is requested.”

Permission to appeal was granted by First-tier Tribunal Judge Murray on all grounds.

3. Since the grant of permission to appeal, the Upper Tribunal has issued the decision in *MM & Ors v The Secretary of State for the Home Department, The Secretary of State & Ors AA/06906/2014 (AA069062014 & Ors. [2017] UKAITUR on BAILII)*. That decision, although unreported, is relevant to the circumstances of this appeal since it contains a comprehensive criticism of the decision style of First-tier Tribunal Judge Majid:

“It seems to us that the complaints made about Judge Majid's decisions are entirely well-founded. Nobody reading them could detect how the judge reached the conclusion he did, acting within the law and applying the relevant substantive law to the facts as found. That is partly because the law and the facts are never the subject of any detailed reference, disputes on the facts are not identified, and there are next to no findings of relevant fact; more seriously it is because the Judge's statements in his decisions, either by direct assertion or by disquisition on the irrelevant, give real reason to suppose that he is not even trying to act within the law and apply the relevant substantive law to the facts as found.

47. We regard the body of his work that we have examined in the course of these appeals as wholly failing to meet the standards that are demanded by the office of a judge and expected by the parties. As a result, every one of the decisions under appeal shows error of law, in most cases serious error, in most cases multiple serious errors. Whether the decisions are looked at together or separately, they show that nobody should assume that Judge Majid has an adequate knowledge of the law or of his task as a judge. If his decisions continue to have the features we have identified in the foregoing examination, they are clearly open to criticism.”

4. Even without that criticism, I am satisfied that the reasoning of First-tier Tribunal Judge Majid in this appeal is unsound and his decision unsustainable. There is no alternative to setting the decision aside and remaking it afresh.

### Conclusions

5. For the foregoing reasons, my/our decision is as follows:

The making of the previous decision involved the making of an error on a point of law.

I set aside the previous decision. The appeal will be remade in the First-tier Tribunal before a Judge other than First-tier Tribunal Judge Majid.

Signed: *Judith A J C Gleeson*  
Upper Tribunal Judge Gleeson

Dated: 1 November 2017