



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

PA/03318/2018

THE IMMIGRATION ACTS

**Heard at Glasgow
On 29 November 2018**

**Decision & Reasons Promulgated
On 11 December 2018**

Before

UPPER TRIBUNAL JUDGE MACLEMAN

Between

MOHAMMAD [S]

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

For the Appellant: Mr S Winter, Advocate, instructed by Latta & Co, Solicitors

For the Respondent: Mr A Govan, Senior Home Office Presenting Officer

DETERMINATION AND REASONS

1. This determination is to be read with:
 - (i) The respondent's decision dated 18 February 2018, refusing the appellant's claim.
 - (ii) The appellant's grounds of appeal to the First-tier Tribunal.
 - (iii) The decision of FtT Judge P A Grant-Hutchison, promulgated on 9 June 2018.

- (iv) The appellant's grounds of appeal to the UT, stated in the application for permission to appeal dated 26 June 2018.
 - (v) The grant of permission by FtT Judge Landes, dated 6 July 2018.
2. The judge finds at [16] that the evidence of Mr Taylor, a senior member of the Tron Church, Glasgow, must be given "considerable weight", and says at [17] that his decision is reached on "the totality of the evidence". However, Mr Govan conceded that the grounds demonstrated that the decision, as a whole, disclosed "compartmentalisation" of the evidence, and an incorrect approach to the evidence of Mr Taylor, errors illuminated by *TF and MA v SSHD* [2018] CSIH 58.
 3. The following outcome was agreed.
 4. The decision of the FtT is set aside. It stands only as a record of what was said at the hearing.
 5. The nature of the case is such that it is appropriate under section 12 of the 2007 Act, and under Practice Statement 7.2, to remit to the FtT for an entirely fresh hearing.
 6. The member(s) of the FtT chosen to consider the case are not to include Judge Grant-Hutchison.
 7. No anonymity direction has been requested or made.



6 December 2018
Upper Tribunal Judge Macleman