



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

Appeal Number: PA/03512/2017

**THE IMMIGRATION ACTS**

**Heard at Glasgow  
On 21 March 2018**

**Decision and Reasons Promulgated  
On 23 March 2018**

**Before**

**UPPER TRIBUNAL JUDGE MACLEMAN**

**Between**

**Y H A**

Appellant

**and**

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

Respondent

Representation:

For the Appellant: Mr E MacKay, of McGlashan MacKay, Solicitors

For the Respondent: Mrs M O'Brien, Senior Home Office Presenting Officer

**DETERMINATION AND REASONS**

1. The appellant appeals against a decision by First-tier Tribunal Judge Green, promulgated on 31 October 2017.
2. The grounds of appeal to the UT run to 8 detailed pages, framing a debate on whether the judge failed to give sufficient consideration to the appellant's *sur place* activities.
3. There was a live issue at the hearing in the FtT about whether further evidence of those activities should be admitted. It is not likely that the

judge's refusal to admit that evidence might be found to have involved any procedural unfairness or error of law, but that issue does not now need to be resolved.

4. Mrs O'Brien said that the debate about admitting further evidence in the FtT, and concentration there on matters which are no longer disputed, appeared to have led the judge into overlooking evidence of *sur place* activities which was already on file, as rehearsed in the grounds of appeal to the UT. She conceded that this amounted to material error of law.
5. The further resolution of the case was agreed between the parties.
6. The remaining issue is only the significance of the appellant's *sur place* activities. There is no reason to revisit the FtT's findings on other matters.
7. The decision of the FtT is **set aside** and the case is **remitted to the FtT** to enable that further decision to be made by another judge.
8. The FtT made an anonymity direction. There does not appear to have been an application for one, or any need for one, but as the matter was not addressed in the UT, anonymity is preserved herein.



21 March 2018  
Upper Tribunal Judge Macleman