



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

**appeal number: PA/05267/2018**

THE IMMIGRATION ACTS

Heard at Glasgow  
On 21<sup>st</sup> March 2019

Decision & Reasons Promulgated  
On 02<sup>nd</sup> April 2019

Before

**Mr C M G OCKELTON, VICE PRESIDENT & UT JUDGE MACLEMAN**

Between

**N B O**  
**(anonymity direction made)**

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 is an appeal against a decision reached without a hearing by FtT Judge Woolf on 4 and promulgated on 18 June 2018.
2. There has been considerable administrative confusion, before and after the FtT made its decision. The appellant, through her previous representatives, is not free of all blame, and the grounds of appeal prepared by those representatives do little to dispel the confusion.

3. However, on investigation before us, it eventually became clear that the appellant (as an assisted person) was not liable to the tribunal for a fee; the FtT should not have written to her insisting that a fee was payable; she asked for an oral hearing by a letter of 16 May 2018; the FtT should not have allocated her case on 4 June 2018 for decision “on the papers”; and Judge Woolf should not have decided the case without a hearing.
4. Parties agreed that the outcome should be as follows.
5. The decision of the FtT is set aside. 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. The member(s) of the FtT chosen to consider the case are not to include Judge Woolf.
6. The FtT made an anonymity direction. The matter was not addressed in the UT. Anonymity is maintained at this stage.

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

Dated 1 April 2019  
UT Judge Macleman