



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

Appeal Number PA/08530/2018

THE IMMIGRATION ACTS

Heard at Glasgow  
On 28 November 2019

**Decision & Reasons Promulgated  
On 2 December 2019**

Before

UT JUDGE MACLEMAN

Between

**BILQEES [O]**

Appellant

and

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

Respondent

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

For the Respondent: Mr M Clark, Senior Home Office Presenting Officer

**DETERMINATION AND REASONS**

1. The appellant is a citizen of Nigeria. FtT Judge McGavin dismissed her appeal by a decision promulgated on 4 September 2018. The FtT and the UT refused permission to appeal.
2. The appellant petitioned the Court of Session for reduction of the UT's refusal of permission.
3. On 15 October 2019, the Vice President of the UT granted permission, in light of the parties' joint minute and of the Court's interlocutor.

4. The joint minute agrees that the UT erred in law by proceeding on the basis that the FtT deal fully and adequately with an expert report, where at least some aspects of that report were not affected by earlier adverse findings on credibility, and had not been addressed by the FtT.
5. Mr Winter and Mr Clark agreed that further procedure should be as follows.
6. The decision of the FtT is set aside. It stands only as a record of what was said at the hearing. 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 McGavin.
7. No anonymity direction has been requested or made.

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

28 November 2019  
UT Judge Macleman