



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

PA/00409/2018

THE IMMIGRATION ACTS

Heard at Edinburgh  
On 30 January 2020

Decision & Reasons Promulgated  
**On 4 February 2020**

Before

UPPER TRIBUNAL JUDGE MACLEMAN

Between

**MOSLEM [A]**

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. The appellant is a citizen of Iran, born on 7 February 1983. By a decision promulgated on 29 May 2018, Designated FtT Judge Murray dismissed his appeal against the respondent's decision to deport him as a foreign criminal.
2. The appellant petitioned the Court for reduction of the UT's refusal of permission to appeal. On 4 December 2019, the Vice President of the UT granted permission in light of the Court's interlocutor and of the joint minute between the parties.
3. The joint minute was entered into in light of *TF & MA* [2018] CSIH 58, published after the FtT made its decision.

4. Mr Govan conceded that the reasoning of the FtT in relation to the evidence of the “church witnesses” disclosed error, such that a fresh hearing was required. The following outcome was agreed.
5. The decision of the FtT is set aside. It stands only as a record of what was said at the hearing.
6. 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.
7. No anonymity direction has been requested or made.

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

30 January 2020  
UT Judge Macleman