



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

Appeal Number: PA/00796/2017

THE IMMIGRATION ACTS

**Heard at Glasgow
On 13 December 2019**

**Decision & Reasons Promulgated
On 16 January 2020**

Before

UPPER TRIBUNAL JUDGE RINTOUL

Between

**A M I
(ANONYMITY ORDER MADE)**

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

For the appellant: Mr Winter, instructed by Maguire Solicitors
For the respondent: Mr M Clark, Senior Home Office Presenting Officer

**DECISION MADE PURSUANT TO RULES 34, 39 & 40 (3) OF THE
TRIBUNAL PROCEDURE (UPPER TRIBUNAL) RULES 2008**

1. The appellant appeals with permission against the decision of the First-tier Tribunal Handley promulgated on 6 October 2019. Although permission to appeal was refused by the Upper Tribunal on 13 February 2018, that decision was reduced by the Court of Session on an application by the appellant. That decision is supplemented by a Joint Minute agreed by the parties.

3. The parties are agreed that, for the reasons set out in the joint minute and in the grounds, the decision of the First-tier Tribunal involved the making of an error of law and must be set aside.
4. Given that the errors went to the issue of credibility, none of the findings of fact are to be preserved; the appeal will be remade on that basis. Given also that none of the findings of fact are preserved it is appropriate to remit this case to the First-tier Tribunal.
5. Rule 40 (1) of the Tribunal Procedure (Upper Tribunal) Rules 2008 provides that the Upper Tribunal may give a decision orally at a hearing which I did. Rule 40 (3) provides that the Upper Tribunal must provide written reasons for its decision with a decision notice unless the parties have consented to the Upper Tribunal not giving written reasons. I am satisfied that the parties have given such consent at the hearing.

Notice of Decision

1. The decision of the First-tier Tribunal involved the making of an error of law and is set aside.
2. The appeal is remitted to the First-tier Tribunal for a fresh decision on all issues.

Signed

Date: 14 January 2020



Upper Tribunal Judge Rintoul