



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

HU/20309/2016

**THE IMMIGRATION ACTS**

Heard at Glasgow  
On 24 January 2019

Decision & Reasons  
Promulgated  
**On 14 February 2019**

Before

**UPPER TRIBUNAL JUDGE MACLEMAN**

Between

**R D E KOMBE**

Appellant

and

**ENTRY CLEARANCE OFFICER**

Respondent

For the Appellant: Mr S Winter, Advocate, instructed by Ethnic Minorities  
Law Centre  
For the Respondent: Mr M Matthews, Senior Home Office Presenting Officer

**DETERMINATION AND REASONS**

1. This determination follows on from:
  - (i) The ECO's decision dated 27 July 2016.
  - (ii) The appellant's grounds of appeal to the First-tier Tribunal.
  - (iii) The decision of FtT Judge Buckwell, promulgated on 14 December 2017.

- (iv) The appellant's grounds of appeal to the UT, as stated in the application for permission to appeal filed with the FtT, dated 21 December 2017.
  - (v) The FtT's refusal of permission, dated 27 April 2018.
  - (vi) The appellant's grounds of appeal to the UT, as stated in the application for permission to appeal filed with the UT, dated 11 May 2018. (The grounds appear to be the same.)
  - (vii) The UT's grant of permission, dated 12 September 2018.
2. The first ground is that the FtT considered the wrong immigration rule. The second ground is error in assessing the best interests of the appellant as a child, and in assessing proportionality.
  3. Mr Matthews said that ground 1 would have been resisted, but that ground 2 disclosed error. He said that the reasoning was insufficiently clear. The outcome appeared to turn largely on the possibility of making another application, which was relevant but not a complete answer. The grounds were sufficient to justify a further hearing and a fresh decision, either in the UT or in the FtT.
  4. Mr Winter indicated that the sponsor recently returned from 3 weeks in Cameroon, and that it now appeared that the evidence required significant updating, such that the appellant sought, in effect, an entirely fresh hearing.
  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 Buckwell.
  6. No anonymity direction has been requested or made.



24 January 2019  
UT Judge Macleman