



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

PA/12195/2018

THE IMMIGRATION ACTS

Heard at Edinburgh
On 27 February 2020

Decision & Reasons Promulgated
On 5 March 2020

Before

UT JUDGE MACLEMAN

Between

HONG [P]

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

For the Appellant: Mr A J Bradley, of A J Bradley & Co, Solicitors
For the Respondent: Mr A Govan, Senior Home Office Presenting Officer

DETERMINATION AND REASONS

1. FtT Judge Doyle dismissed the appellant's appeal by a decision promulgated on 28 February 2019. The FtT and the UT refuse permission to appeal. The appellant petitioned the Court of Session for reduction of the UT's refusal of permission.
2. On 2 January 2020 the Vice President granted permission "in light of the interlocutor and note of the Lord Ordinary".
3. Mr Govan, referring to the Note of Lord Brailsford, said that the FtT erred on the medical report; and that while the second error mentioned in the

Note, on *sur place* activities, might not require the decision to be set aside, the first error did.

4. The following outcome was agreed between the parties.
5. The decision 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. The member(s) of the FtT chosen to consider the case are not to include Judge Doyle.
8. No anonymity direction has been requested or made.

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

27 February 2020
UT Judge Macleman