



Upper Tribunal
(Immigration and Asylum Chamber)

Appeal Number: PA/11615/2016

THE IMMIGRATION ACTS

Heard at Glasgow
On 31 August 2018

Decision & Reasons Promulgated
On 06 September 2018

Before

UPPER TRIBUNAL JUDGE MACLEMAN

Between

XUEMEI [C]

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: Mrs M O'Brien, Senior Home Office Presenting Officer

DETERMINATION AND REASONS

1. FtT Judge Doyle dismissed the appellant's appeal for reasons given in his decision promulgated on 1 November 2017.
2. The appellant's grounds of appeal to the UT are set out in his application filed on 23 January 2018 at paragraph 3: (i) no adequate explanation why a letter from the appellant's mother is not reliable evidence, and (ii) failure to assess the risk from the perspective of the persecutor. Mr Winter sought a remit to the FtT.

3. Mrs O'Brien conceded that ground (i) was well taken, and that the point was sufficiently material to require a remit.
4. Mr Winter indicated that although not in the grounds, the appellant would seek to argue his case in the FtT on a "family planning policy" basis. Mrs O'Brien said that might be ruled out, unless based on new evidence. The scope of the next hearing in the FtT is for it to decide.
5. The decision of the FtT is **set aside**. It stands only as a record of what was said at the hearing.
6. It is appropriate under section 12 of the 2002 Act and 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'.

31 August 2018
Upper Tribunal Judge Macleman