



**Upper Tribunal**

**(Immigration and Asylum Chamber)  
PA/08978/2019 (P)**

**Appeal Number:**

**THE IMMIGRATION ACTS**

**Decided under rule 34 (P)**

**Decision & Reasons  
Promulgated**

**On 25 September 2020**

**On 29 September 2020**

Before

**UT JUDGE MACLEMAN**

Between

**THE SECRETARY OF STATE FOR THE HOME DEPARTMENT**

Appellant

And

**KHALID [O]**

Respondent

**DETERMINATION**

1. Parties in the UT are as above, but the rest of this determination refers to them as they were in the FtT.
2. This determination is to be issued with a further copy of my decision on error of law, and directions, issued on 7 August 2020, and is to be read with that decision; with the appellant's submissions, dated 4 September 2020; and with the SSHD's submissions, dated 12 August 2020.

3. While no findings are formally preserved, the appellant advances no asylum claim, and the only issue to be resolved is whether it would be unduly harsh for the children to remain in the UK without him.
4. In light of both submissions above, the decision of the FtT is set aside, and the case is remitted to the FtT for a fresh hearing. The member(s) of the FtT chosen to consider the case are not to include Judge Swinnerton.
5. No anonymity direction has been requested or made.



UT Judge Macleman  
25 August 2020

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#### NOTIFICATION OF APPEAL RIGHTS

1. A person seeking permission to appeal against this decision must make a written application to the Upper Tribunal. Any such application must be **received** by the Upper Tribunal within the **appropriate period** after this decision was **sent** to the person making the application. The appropriate period varies, as follows, according to the location of the individual and the way in which the Upper Tribunal's decision was sent:
2. Where the person who appealed to the First-tier Tribunal is **in the United Kingdom** at the time that the application for permission to appeal is made, and is not in detention under the Immigration Acts, the appropriate period is **12 working days (10 working days, if the notice of decision is sent electronically)**.
3. Where the person making the application is in detention under the Immigration Acts, **the appropriate period is 7 working days (5 working days, if the notice of decision is sent electronically)**.
4. Where the person who appealed to the First-tier Tribunal is **outside the United Kingdom** at the time that the application for permission to appeal is made, the appropriate period is **38 days (10 working days, if the notice of decision is sent electronically)**.
5. A "working day" means any day except a Saturday or a Sunday, Christmas Day, Good Friday or a bank holiday.
6. The date when the decision is "sent" is that appearing on the covering letter or covering email.