



IN THE UPPER TRIBUNAL
IMMIGRATION AND ASYLUM CHAMBER

Case No: UI-2021-000850

First-tier Tribunal No: PA/51062/2021

THE IMMIGRATION ACTS

Decision & Reasons Issued:

25th January 2024

Before

UPPER TRIBUNAL JUDGE MACLEMAN

Between

KHAN TRUNG TRAN
(anonymity order discharged)

Appellant

and

Secretary of State for the Home Department

Respondent

For the Appellant: Mr S Winter, Advocate, instructed by Latta & Co, Solicitors
For the Respondent: Mrs R Arif, Senior Home Office Presenting Officer

Heard at Edinburgh on 24 January 2024

DECISION AND REASONS

1. FtT Judge Gillespie dismissed the appellant's appeal by a decision dated 27 August 2021. The FtT and the UT refused permission to appeal to the UT.
2. By an interlocutor dated 4 October 2022, for reasons given in the opinion of Lord Braid, the Court reduced the UT's refusal of permission and remitted the cause back to the UT to consider, of new, whether permission should be granted.
3. The Court's decision leaves it to the UT to consider whether the grounds are (i) arguable and (ii) substantiated. However, in light of the Court's

decision, the Vice President of the UT granted permission on 19 June 2023; and Mrs Arif (fairly and correctly) conceded that the grounds demonstrate not merely arguable but substantial error, such that the decision could not safely stand as a resolution of the case.

4. The following outcome was agreed.
5. The decision of Judge Gillespie is set aside, other than as a record of what was said at the hearing. The starting point for further decision remains the decision of Judge Boyd. The case is remitted to the FtT to be heard afresh by another Judge.
6. The FtT made an anonymity order, but it was agreed in the UT that there is no requirement for anonymity.

Hugh Macleman

Judge of the Upper Tribunal
Immigration and Asylum Chamber
24 January 2024