



**Upper Tribunal  
(Immigration and Asylum Chamber)  
AA/09530/2015**

**Appeal Number:**

**THE IMMIGRATION ACTS**

**Heard at Birmingham CJC  
On 31 October 2018  
Prepared 31 October 2018**

**Decision & Reasons Promulgated  
On 20 December 2018**

**Before**

**DEPUTY UPPER TRIBUNAL JUDGE DAVEY**

**Between**

**MRS RAZIA UMER FAROOQ  
(ANONYMITY DIRECTION NOT MADE)**

Appellant

**and**

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

Respondent

**Representation:**

For the Appellant: Mr Azmi, counsel instructed by French & Company  
For the Respondent: Mr D Mills, Senior Presenting Officer

**DECISION AND REASONS**

1. The Appellant, a national of Pakistan, appealed against the Respondent's decision dated 10 June 2015 to refuse an asylum and protection claim. The appeal came before First-tier Tribunal Judge Pacey (the Judge) who on 26 March 2018 dismissed the appeal on asylum, protection grounds and human rights based grounds. Permission to appeal was given on 6 September 2018 by First-tier Tribunal Judge Bird.

2. No Rule 24 response was served but Mr Mills fairly and properly indicated that he accepted there was a material error of law in that the Judge had failed to address background information and an expert report relating to potential issues on safety on return. Those failings were compounded, to a degree, by a series of adverse findings based on a somewhat subjective view of aspects of the Appellant's claim.
3. Given the concession made by Mr Mills was perfectly sensible I concluded the Original Tribunal's decision could not stand. It further seemed to me that the problem was that really it was very difficult to try and cherry pick the findings, bearing in mind other and wider issues that were not addressed at all, in order to re-determine this in the Upper Tribunal. Fairness therefore indicated to me that the proper and just disposal of this appeal required that it be returned to be remade in the First-tier Tribunal.

## **DECISION**

4. The appeal is allowed to the extent that the matter must be considered at a further hearing in the First-tier Tribunal (IAC).

## **DIRECTIONS**

1. Return to First-tier Tribunal in Birmingham. Urdu interpreter required.
2. Time estimate two and a half hours.
3. No findings of fact to stand unless the parties agree them and notify the Tribunal in writing of which findings they wish to be retained.
4. List for hearing not before First-tier Tribunal Judge Pacey or First-tier Tribunal Judge Bird.
5. No anonymity order was previously made nor is one sought and in the circumstances, that is sufficient.

Signed

Date 12 December 2018

Deputy Upper Tribunal Judge Davey