



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

Appeal Number: PA/04242/2017

THE IMMIGRATION ACTS

**Heard at Newport
On 20th March 2018**

**Decision & Reasons
Promulgated
On 6th April 2018**

Before

Upper Tribunal Judge Chalkley

Between

**[M A]
(~~ANONYMITY DIRECTION NOT MADE~~)**

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Ms N Khan of Buckingham Legal Associates

For the Respondent: Mr I Richards, Senior Home Office Presenting Officer

REASONS FOR FINDING AN ERROR OF LAW

1. The appellant is a citizen of Pakistan born on [] 1981. He appealed to the First-tier Tribunal against a decision of the respondent taken on 21st April 2017 to refuse to grant him asylum. His appeal was heard at Columbus House, Newport by First-tier Tribunal Judge Trevaskis on 2nd June last and in a determination promulgated on 12th June 2017, the judge dismissed the appellant's asylum claim, dismissed the humanitarian protection claim and dismissed the appellant's human rights claim.

2. In dismissing the appellant's claim, there appears to have been a problem with the typing in that at the end of paragraph 39 the words "Regarding his activities in the United Kingdom," appear followed by a blank space. It appears that this might have been the beginning of paragraph 40, which appeared to deal with the appellant's activities in the United Kingdom. However, the first part of paragraph 39 says "The credibility of his claim depends upon his own account. There is no support for his claims regarding the difficulties which he faced in Pakistan". As a matter of asylum law of course an appellant does not need to corroborate their claim. The judge should have proceeded to make findings in respect of whatever the appellant claimed had happened to him in Pakistan. He made no findings on those "difficulties".
3. The judge then considered the appellant's period of stay in the United Kingdom when he entered in 2012 and at paragraph 43 he said that "*On the basis of the adverse credibility findings mentioned above, and in the absence of supporting evidence for his claim, I am not satisfied to the required standard that the appellant is gay*". The adverse credibility findings referred to were findings made against the appellant's witnesses, not against the appellant, and as I have indicated the absence of supporting evidence is not fatal because appellants are not required to corroborate their claim.
4. Both representatives agreed that the determination of Judge Trevaskis could not stand. The findings, insofar as there are any, lack proper reasoning and what reasoning there is, is wholly inadequate. **I set aside the determination in its entirety.**
5. Given lengthy delays which can occur when part-time judges adjourn matters, I have decided not to adjourn this to myself in the Upper Tribunal but to remit for hearing afresh by a judge other than Judge Trevaskis. I believe that three hours should be allowed for the hearing of the appeal since the appellant and two witnesses will be giving oral evidence and an Urdu interpreter will be required.

Richard Chalkley
Upper Tribunal Judge Chalkley
March 2018

Date 28th