



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

Appeal Number: PA/08817/2019 (V)

**THE IMMIGRATION ACTS**

**Heard remotely at Field House  
On 11<sup>th</sup> February 2022**

**Decision & Reasons Promulgated  
On 15 March 2022**

**Before**

**UPPER TRIBUNAL JUDGE FRANCES**

**Between**

**C B  
(ANONYMITY DIRECTION MADE)**

Appellant

**and**

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

Respondent

**Representation:**

For the Appellant: Mr K Gayle, instructed by Elder Rahimi Solicitors

For the Respondent: Mr S Walker, Senior Home Office Presenting Officer

This has been a remote hearing which has been consented to by the parties. The form of remote hearing was video by Microsoft Teams (V). A face to face hearing was not held because it was not practicable and all issues could be determined in a remote hearing. The documents that I was referred to are in the bundles on the court file, the contents of which I have recorded. The order made is described at the end of these reasons.

**DECISION AND REASONS**

1. The appellant is a citizen of Pakistan born in 2001. He appeals against the decision of First-tier Tribunal Twydell, promulgated on 26 November 2020,

dismissing his appeal against the refusal of his protection claim on asylum, humanitarian protection and human rights grounds.

2. Permission to appeal was granted by Upper Tribunal Judge Kamara on the grounds it was arguable the judge's assessment of the evidence of a founding member of the Free Balochistan Movement was inadequate. Permission was granted on all grounds.
3. Mr Walker conceded there was an error of law as identified in the grounds. In addition, the judge had failed to properly apply YB (Eritrea) v SSHD [2008] EWCA Civ 360. It was agreed by the parties the decision should be set aside and the appeal remitted to the First-tier Tribunal for rehearing.
4. I find the judge erred in law and I set aside the decision dated 26 November 2020. None of the judge's findings are preserved. I have decided in accordance with paragraph 7.2 of the Practice Statements of 25<sup>th</sup> September 2012 that the appeal is remitted to the First-tier Tribunal for hearing *de novo*.

### **DIRECTIONS**

- (i) The Tribunal is directed pursuant to section 12(3) of the Tribunals, Courts and Enforcement Act 2007 to reconsider the appeal at a hearing before a First-tier Tribunal Judge other than Judge Twydell and Judge Khawar.
- (i) The appellant to file and serve any further evidence upon which he intends to rely no later than 28 days before the hearing.
- (ii) The appellant and respondent to file skeleton arguments no later than 14 days before the hearing.
- (iii) The appellant to notify the First-tier Tribunal if an interpreter is required, specifying the language and dialect.
- (iv) The First-tier Tribunal is requested to contact the clerk to the appellant's counsel, Mr K Gayle, before listing.

### **Notice of Decision**

#### **Appeal allowed**

**J Frances**

Signed  
Upper Tribunal Judge Frances

Date: 11 February 2022

### **TO THE RESPONDENT**

**FEE AWARD**

I make no fee award because the appeal is still outstanding.

**J Frances**

Signed  
Upper Tribunal Judge Frances

Date: 11 February 2022