



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

Appeal Number: AA/02426/2014

THE IMMIGRATION ACTS

Heard at Field House

Determination

On 15th January 2015

Promulgated

On 19th January 2015

Before

UPPER TRIBUNAL JUDGE MARTIN

Between

SECRETARY OF STATE FOR THE HOME DEPARTMENT

Appellant

and

MR A M Q

Respondents

Representation:

For the Appellant: Mr N Bramble (Senior Home Office Presenting Officer)

For the Respondents: Mr D Lemer (instructed by Rashid & Rashid Solicitors)

DETERMINATION AND REASONS

1. This is an appeal to the Upper Tribunal, with permission, by the Secretary of State with regard to a determination of the First-tier Tribunal (Judge Andonian) dated 2nd June 2014 by which he allowed the Respondent's appeal against the Secretary of State's decision to refuse him asylum and to return him to Pakistan.
2. The Secretary of State sought permission to appeal which was granted by an Upper Tribunal Judge on 26th August 2014. She thought it arguable that the Judge had erred because he failed to consider internal relocation and failed to make findings on challenges by the Secretary of State in the Letter of Refusal.

3. I agree that the Judge made material errors of law for the following reasons.
4. The Appellant claimed that he was a poet and broadcaster with a high profile, against whom Fatwas had been issued and who had been abducted. He publicly criticised the regime and was at risk from religious extremists including the Taliban.
5. The Secretary of State issued a 23 page, very detailed Letter of Refusal in which she challenged the Appellant's credibility. In particular at paragraphs 71-76 the Secretary of State gave her reasons for rejecting the claim that he had been kidnapped by the Taliban. At paragraphs 77-79 she gave her reasons for rejecting the claim about the issue of Fatwas and at paragraphs 108 - 119 made her submissions as to internal relocation.
6. The Judge in a 6 page determination deals wholly inadequately with the Secretary of State's case. He accepts the Appellant's credibility without dealing with any of the issues raised by the Secretary of State as referred to above and fails entirely to deal with internal relocation. The Judge cannot be said to have applied anxious scrutiny to this case. It is incumbent upon a Judge to engage with the Secretary of State's case as set out in the Letter of Refusal.
7. So inadequate are the findings in the determination, it must be set aside in its entirety. Both representatives agreed that the appropriate way forward is to remit the appeal to the First-tier Tribunal for a full rehearing on all matters.
8. The appeal by the Secretary of State to the Upper Tribunal is allowed.

Signed

Date 16th January 2015

Upper Tribunal Judge Martin