



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

Appeal Number: PA/13249/2016

THE IMMIGRATION ACTS

**Heard at Bradford
On 8 August 2017**

**Decision & Reasons Promulgated
On 22 August 2017**

Before

UPPER TRIBUNAL JUDGE HEMINGWAY

Between

UI

(ANONYMITY ORDER MADE)

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Ms R Frantzis (Counsel)
For the Respondent: Mr Duffy (Senior Home Presenting Officer)

DECISION AND REASONS

1. This is the claimant's appeal to the Upper Tribunal from a decision of the First-tier Tribunal (Judge Bagral hereinafter "the Judge") whereupon she dismissed her appeal against a decision of the Secretary of State of 14 November 2016 refusing to grant international protection. This decision is brief because of a concession made before me on behalf of the Secretary of State.

2. The claimant is a national of Pakistan and had sought asylum in the United Kingdom on 19 May 2016 on the basis that she had been a previous victim of domestic and sexual violence and would face further ill-treatment if she were to be returned to Pakistan. Her account of events was

not accepted by the Secretary of State as being a truthful one and, accordingly, her claim was refused and she appealed.

3. As noted above, the claimant's appeal was dismissed. Quite simply, the Judge did not believe her. Further, the Judge gave comprehensive reasons for that disbelief which appear from paragraphs 22-43 of her written reasons. Permission to appeal, though, was obtained. The point which secured permission was that whilst the Judge had said the claimant had failed to mention, in a witness statement, that she had been the victim of domestic violence and in particular sexual violence at the hands of her former husband, and had taken a point against her as to that, the claimant had indeed referred to it in that very statement.

4. Permission having been granted there was a hearing before me in order to decide whether the Judge had erred in law. I had imagined that the matter would be contested but, after some discussion, Mr Duffy conceded that the Judge had erred in the manner it was suggested she might have done in the grant of permission and that such error was material.

5. In my view there is much to commend the Judge's thorough written reasons. Nevertheless, the above error was certainly made, no doubt due to an understandable oversight, and given that the above concession has been made there is no disagreement as to the error of law issue between the parties. In those circumstances, whilst I am not bound to follow concessions, it seems to me it is appropriate that I do so. Accordingly, effectively by consent, I set aside the Judge's characteristically careful decision and, since the accepted error is concerned with the soundness of the credibility assessment, I remit for a complete rehearing in accordance with brief directions which I set out below.

Directions

1. There will be a complete rehearing of the appeal before a judge of the First-tier Tribunal other than Judge Bagral.
2. Nothing shall be preserved from the findings and conclusions of Judge Bagral.
3. The claimant is to be provided with an Urdu speaking interpreter.
4. These directions may be replaced, amended or supplemented by further directions issued by any salaried judge of the First-tier Tribunal.

Decision

The decision of the First-tier Tribunal involved the making of an error of law and is set aside. There shall be a complete rehearing before a different judge of the First-tier Tribunal so that the decision may be re-made.

Anonymity-Rule 14 of the Tribunal Procedure (Upper Tribunal) Rules 2008

Unless and until a Tribunal or Court directs otherwise, the Appellant is granted anonymity. No report of these proceedings shall directly or identify him or any member of his family. This

direction applies to both the Appellant and Respondent. Failure to comply could lead to contempt of court proceedings.

Signed:

Date: 22 August 2017

Upper Tribunal Judge Hemingway

**TO THE RESPONDENT
FEE AWARD**

I make no fee award.

Signed:

Date: 22 August 2017

Upper Tribunal Judge Hemingway