



**Upper Tribunal  
(Immigration and Asylum Chamber)  
PA/08817/2019 (P)**

**Appeal Number:**

**THE IMMIGRATION ACTS**

**Decided under rule 34**

**On 24 July 2020**

**Decision & Reasons  
Promulgated**

**On 4 August 2020**

**Before**

**UPPER TRIBUNAL JUDGE SHERIDAN**

**Between**

**CB  
(ANONYMITY DIRECTION MADE)**

Appellant

**and**

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

Respondent

**Representation:**

For the Appellant: T. Hodson, Elder Rahimi Solicitors

For the Respondent: M. Diwnycz, Senior Home Office Presenting Officer

**DECISION AND REASONS**

1. The appellant is a citizen of Pakistan born on 13 January 2001 who entered the UK on 11 January 2019 and claimed asylum on 19 January 2019. His asylum application was refused by the respondent on 30 August 2019. He appealed to the First-tier Tribunal, where his appeal was heard by Judge of the First-tier Tribunal Khawar ("the judge").

2. In a decision promulgated on 21 January 2020, the appeal was dismissed. The judge rejected the appellant's account in its entirety, finding it not credible.
3. The appellant sought permission to appeal, arguing, inter alia, that the adverse credibility findings are undermined by a failure to consider material documentary evidence and mistakes in respect of some of the evidence that was considered.
4. On 7 May 2020 directions of Upper Tribunal Judge Smith dated 24 April 2020 were issued. These gave the provisional review that the error of law issue in this appeal could be determined without a hearing.
5. On 24 June 2020 the respondent submitted written submissions stating that the appellant's application for permission was not opposed and inviting the Tribunal to determine the appeal with a fresh oral continuance hearing.
6. As the appellant's application is unopposed by the respondent, I set aside the decision of the First-tier Tribunal for the reasons summarised in para. 3 above. Given credibility will need to be considered afresh and no findings of fact can reasonably be preserved, having regard to paragraph 7.2 of the Senior President's Practice Statement I have decided to remit the appeal to the First-tier Tribunal to be considered afresh.

### **Decision**

7. The decision is set aside. The appeal is remitted to the First-tier Tribunal to be heard afresh by a different judge.

### **Direction Regarding Anonymity - Rule 14 of the Tribunal Procedure (Upper Tribunal) Rules 2008**

8. Unless and until a Tribunal or court directs otherwise, the appellant is granted anonymity. No report of these proceedings shall directly or indirectly identify him or any member of his family. This direction applies both to the appellant and to the respondent. Failure to comply with this direction could lead to contempt of court proceedings.

Signed

D. Sheridan  
Upper Tribunal Judge Sheridan

Dated: 24 July 2020

### NOTIFICATION OF APPEAL RIGHTS

1. A person seeking permission to appeal against this decision must make a written application to the Upper Tribunal. Any such application must be **received** by the Upper Tribunal within the **appropriate period** after this decision was **sent** to the person making the application. The appropriate period varies, as follows, according to the location of the individual and the way in which the Upper Tribunal's decision was sent:
2. Where the person who appealed to the First-tier Tribunal is **in the United Kingdom** at the time that the application for permission to appeal is made, and is not in detention under the Immigration Acts, the appropriate period is **12 working days (10 working days, if the notice of decision is sent electronically)**.
3. Where the person making the application is in detention under the Immigration Acts, **the appropriate period is 7 working days (5 working days, if the notice of decision is sent electronically)**.
4. Where the person who appealed to the First-tier Tribunal is **outside the United Kingdom** at the time that the application for permission to appeal is made, the appropriate period is **38 days (10 working days, if the notice of decision is sent electronically)**.
5. A "working day" means any day except a Saturday or a Sunday, Christmas Day, Good Friday or a bank holiday.
6. The date when the decision is "sent" is that appearing on the covering letter or covering email