



**Upper Tribunal  
(Immigration and Asylum Chamber) Appeal Number: UI-2021-000787  
[HU/50364/2020] (IA/01254/2020)**

**THE IMMIGRATION ACTS**

**Heard at Field House  
On the 5 July 2022**

**Decision & Reasons Promulgated  
On the 07 September 2022**

**Before**

**UPPER TRIBUNAL JUDGE BLUM  
DEPUTY UPPER TRIBUNAL JUDGE CHANA**

**Between**

**ABIDA NASIM  
(ANONYMITY DIRECTION NOT MADE)**

Appellant

**and**

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

Respondent

**Representation:**

For the Appellant: Mr Z Jafferji of Counsel

For the Respondent: Mr P Deller, Senior Presenting Officer

**DECISION AND REASONS**

1. The appellant appealed against the decision of the respondent dated 26 August 2020, to refuse to grant her leave to remain under Article 8 ECHR as the dependent of her son, Mr Suhail Tahir. First-tier Tribunal Judge Juss in a decision dated 21 September 2021 dismissed the appellant's appeal on all grounds including her human rights appeal.
2. Permission to appeal was refused by Judge Neville in a decision dated 22 November 2021. Upper Tribunal Judge Gill, in her decision dated 27 February 2022 found that it arguable that the Judge of the First-tier

Tribunal may have erred in law by failing to give any or any adequate reasons for his finding at paragraph 14 that he did not accept that the appellant could not be provided with care facilities in Pakistan. Judge Gill also stated that the First-tier Tribunal Judge arguably failed to give any reasons for rejecting the opinion of Dr Lohawala that the appellant was a high likelihood of suicide if her mental health worsened.

3. At the hearing, senior presenting officer Mr Deller echoed Judge Gill's concerns and said there was an unease about Judge Juss decision. He acknowledged that Judge Juss has not satisfactorily explained his reasons for rejecting certain parts of the evidence submitted by the appellant.

### **Findings on whether there is an error of law**

4. We have considered the findings in the decision of the First-tier Tribunal Judge Juss with great care. We accept the observations of Mr Deller. We find that adequate reasons were not given for rejecting the expert assessment of Doctor Lohawala. There is a clear duty on the First-tier Tribunal Judge to give adequate reasons for rejecting material evidence, especially the evidence of an expert. Equally, we find that adequate reasons were not given for rejecting the appellant's contention that she cannot be provided with adequate care facilities in Pakistan. We find that the First-tier Tribunal Judge made material errors of law.
5. We are therefore satisfied that the entire decision is unsafe and that the appeal be remitted to the First-tier Tribunal to be heard again and a new fact-finding exercise be completed.

### **Notice of Decision**

6. The making of the First-Tier Tribunal's decision involved material errors of law and is remitted back to the First-tier Tribunal to be heard again by a Judge other than Judge Juss of the First-tier Tribunal.

### **S. Chana**

Signed

Date 11<sup>th</sup> day of July 2022

Deputy Upper Tribunal Judge Chana