



**IN THE UPPER TRIBUNAL**  
**IMMIGRATION AND ASYLUM CHAMBER**

Case No: UI-2024-000889

First-tier Tribunal No: PA/55147/2022

**THE IMMIGRATION ACTS**

**Decision & Reasons Issued:**

On 13<sup>th</sup> of June 2024

**Before**

**UPPER TRIBUNAL JUDGE KEBEDE**

**Between**

**ARR**  
**(Anonymity Order made)**

Appellant

**and**

**SECRETARY OF STATE FOR THE HOME DEPARTMENT**

Respondent

**Representation:**

For the Appellant: Mr M Schwenk, instructed by Kinetic Law Ltd  
For the Respondent: Mr A Tan, Senior Home Office Presenting Officer

**Heard at Manchester Civil Justice Centre on 4 June 2024**

**DECISION AND REASONS**

1. The appellant is a citizen of Afghanistan of Tajik ethnicity, born on 15 January 1997. He appeals, with permission, against the decision of the First-tier Tribunal dismissing his appeal against the respondent's decision to refuse his asylum and human rights claim.

2. The appellant arrived in the UK on 17 October 2020 and claimed asylum the same day. His claim was refused on 9 November 2020. He appealed against that decision and his appeal is the subject of these proceedings.

3. The appellant claimed to be in fear of the Taliban and claimed that they would kill him if he returned to Afghanistan because his brother had worked for the police for the previous government and his father had fought against the Taliban as a Mujahid. His brother had been shot and killed by the Taliban. He also feared the Taliban on the grounds of his Tajik ethnicity. He feared the government as well, as they had previously detained him and falsely accused him of collaborating with the Taliban.

4. The respondent accepted that the appellant was an Afghan national of Tajik ethnicity but did not accept that his brother worked for the Afghan police and that he had been killed by the Taliban and did not accept that his father was a Mujahid. The respondent rejected the appellant's account of his father and himself being threatened by the Taliban and did not accept that he had come to the adverse attention of the Afghan authorities. The respondent also rejected the appellant's claim to have become westernised and to be at risk on that basis and did not accept that he fell within any of the categories of those at risk on return to Afghanistan.

5. The appellant's appeal against that decision came before First-tier Tribunal Judge Abebrese on 21 March 2023. The judge did not accept that any of the appellant's claims as to risk were credible. He did not accept that the appellant had become westernised, he did not accept that the appellant was at risk because of his ethnicity and he did not accept that his brother was a policeman or that the Taliban were interested in him for any of the reasons stated. He accordingly dismissed the appellant's appeal on all grounds, in a decision promulgated on 29 January 2024.

6. The appellant sought permission to appeal against the judge's decision on the grounds that the reasons given by the judge for rejecting his account were inadequate and that he had failed to deal with the background evidence in relation to risk on return.

7. Permission was granted by the First-tier Tribunal on all grounds. The respondent did not provide a rule 24 response.

8. The matter came before me for a hearing on 4 June 2024. Mr Tan did not oppose the grounds and conceded that the judge's decision was devoid of reasoning. He accepted that there were no findings which could be preserved and that the matter needed to be decided *de novo* in the First-tier Tribunal.

9. In light of Mr Tan's concession there is little that I need to say, other than that the concession was properly made. The judge's findings on the appellant's account are set out briefly at [22] to [24] and amount to a wholesale rejection of the entire claim, as to the appellant being westernised, to the Taliban having an adverse interest in him, to being at risk on the basis of his ethnicity, and as to his brother being a police officer. However there are simply no reasons given for those findings. As Mr Tan conceded, the judge's decision is devoid of reasoning. Whilst brevity and succinctness may be encouraged, that cannot be at the expense of proper reasoning. There needs to be at least some basis for understanding why the findings were made. There is simply no such basis in this case.

10. Accordingly Judge Abebrese's decision has to be set aside in its entirety and the decision re-made. There are no findings which are capable of being preserved. The

appropriate course, in such circumstances, is for the matter to be decided afresh and for the case to be remitted to the First-tier Tribunal for a *de novo* hearing before another judge aside from Judge Abebrese.

**Notice of Decision**

11.The making of the decision of the First-tier Tribunal involved the making of an error on a point of law. The decision is set aside.

12.The appeal is remitted to the First-tier Tribunal to be dealt with afresh pursuant to section 12(2)(b)(i) of the Tribunals, Courts and Enforcement Act 2007 and Practice Statement 7.2(b), before any judge aside from Judge Abebrese.

Signed: S Kebede  
Upper Tribunal Judge Kebede

Judge of the Upper Tribunal  
Immigration and Asylum Chamber

4 June 2024