



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

Appeal Number: IA/25812/2013

THE IMMIGRATION ACTS

Heard at Field House

On 28 March 2014

Determination

Promulgated

On 9 April 2014

Before

UPPER TRIBUNAL JUDGE KING TD

Between

MRS SANA FAYYAZ

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Mr D Balroop, Counsel, instructed by Asghar & Co

For the Respondent: Mr T Wilding, Home Office Presenting Officer

DECISION AND DIRECTIONS

1. The appellant was born on 19 March 1983 and is a citizen of Pakistan. She made an application for further leave to remain in the United Kingdom. The decision was made on 29 October 2012.

2. The appellant had sought to remain as a student but the respondent considered that the CAS submitted was not valid and accordingly she did not meet the Immigration Rules.
3. The appeal came for hearing before First-tier Tribunal Judge Abebrese.
4. In addition to the immigration decision there was raised for consideration by the Tribunal the contention that it would be unsafe for the appellant to return to Pakistan given the risk that she might be subject to an honour killing because of her relationship with a man and falling pregnant as a result.
5. It was noted by the Judge that further evidence which had been directed by the Tribunal had not been served, hence the appellant was found to be not credible as to the substance of her claim. Her appeal was dismissed in all respects.
6. Grounds of appeal were submitted against that decision essentially taking issue with the standard of proof that was applied in the circumstances of the case and the unreasoned findings as to internal relocation, particularly for a single woman with a child out of wedlock.
7. It was also contended that the approach taken to Article 8 of the ECHR was superficial and little regard to be had to the personal situation and circumstances of the appellant and of her child.
8. Leave to appeal was granted on such grounds. Thus the matter comes before me in pursuance of that grant.
9. It is perhaps unnecessary to dwell at length on such grounds as it was most fairly conceded by Mr Wilding, the Senior Home Office Presenting Officer, that he agreed with the grounds and that the determination when read as a whole was defective in many respects.
10. In the circumstances it was the unanimous view of the representatives that the matter should be set aside and sent back to the First-tier Tribunal for a proper and fair hearing of the issues to be carried out.
11. In the circumstances therefore I set aside the decision that it may be remade. I have regard to the Senior President's Practice Directions, particularly to paragraph 7. It is right and proper that there should be a full hearing on the matter.
12. However I emphasise that which was emphasised by the Tribunal in the past, that it is for the appellant to adduce evidence as to her situation and circumstances in the United Kingdom and any relevant evidence relating to the situation which she may face upon return to Pakistan.

13. As I understand the matter she has not sought to claim asylum and therefore there is no interview in connection with her situation and circumstances. Thus all parties will be relying upon her information and statements in order to fairly determine the matter.
14. Such information or evidence should be served no later than 10 days before the rehearing. Any further directions will be given by the First-tier Tribunal if required. I note that no interpreter is requested.

Signed

Date

Upper Tribunal Judge King TD