



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

Appeal Number: PA/05297/2017

THE IMMIGRATION ACTS

**Heard at Field House
On 12 September 2017**

**Decision & Reasons
Promulgated
On 15 September 2017**

Before

Upper Tribunal Judge John FREEMAN

Between

[A A]

and

appellant

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the appellant: *Althea Radford*, counsel instructed by Lupins
For the respondent: Mr Ian Jarvis

DECISION AND REASONS

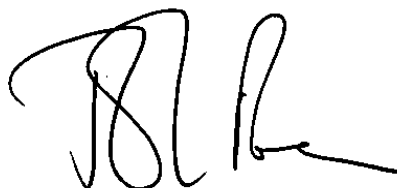
This is an appeal by a citizen of Pakistan, born in 1986, from a decision of Judge Ruth Sullivan sitting at Harmondsworth on 23 June 2017 dismissing his asylum and human rights appeal. Permission was granted on two grounds out of the six relied on, and I am only concerned with the fourth, granted in these terms

The fourth ground of appeal asserts the judge erred by raising the issue of paternity of the child of the appellant's ex-partner which had not been placed in issue by the respondent. It is clear from the reasons for decision letter that the appellant's biological relationship with the child was not in issue. This ground discloses an arguable error of law.

That ground in its own terms appears to have been made out: clearly, although it was for the judge to decide all issues of fact, she needed at least to raise this issue with the parties at the hearing before reaching a negative decision on it.

2. The point on which Miss Radford relies on that ground in applying for permission on the other grounds is this. The judge's credibility decision on the appellant's asylum claim (paragraphs 26 to 38) was very much based on his relationship with the mother of the child, called [UW]. Although there were certainly other points to be taken, and which the judge did take, in particular on the appellant's delay in making any claim, that relationship was very much at the centre of her credibility decision in the asylum case, and it follows that the credibility decision as a whole will have to be remade. There is no need for that to take place in the Upper Tribunal.
3. [UW] also had an application for permission to appeal to the Upper Tribunal; but that was refused on 1 September, and there is no record of it being renewed. It may well be that these two cases should proceed together; but that will be the responsibility of those representing [UW], if her case does come back for a fresh hearing. For the present this case will go back to the First-tier Tribunal at Harmondsworth for a fresh hearing before another judge.

Appeal allowed
Fresh hearing in First-tier Tribunal, not before Judge Sullivan

A handwritten signature in black ink, consisting of stylized, overlapping letters that appear to be 'JRS' followed by a horizontal line.

(a judge of the Upper Tribunal)