



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

Appeal Number: PA/00327/2019

THE IMMIGRATION ACTS

**Heard at Manchester Civil Justice
Centre
Given extempore on 7 August
2019**

**Decision & Reasons Promulgated
On 28 August 2019**

Before

UPPER TRIBUNAL JUDGE CHALKLEY

Between

**PREET [K]
(ANONYMITY DIRECTION NOT MADE)**

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Mr G L C Brown of Counsel, instructed by Legal Justice Solicitors

For the Respondent: Mrs Pettersen, Senior Home Office Presenting Officer

REASONS FOR FINDING AN ERROR OF LAW

1. The appellant is a citizen of Afghanistan, born on 2 March 1984 and who entered the United Kingdom on 20 October 2015. She made application for asylum to the respondent, but the respondent declined to recognise her claim and so she appealed to the First-tier Tribunal. Her appeal was heard by First-tier Tribunal Judge A J Parker on 3 April 2019 in Manchester.

He dismissed the appellant's appeal but in doing so has materially erred in law.

2. Both representatives agreed that the determination of First-tier Tribunal Judge Parker should be set aside and the matter remitted to the First-tier Tribunal, in order that the appeal can be reheard afresh. The judge failed to properly assess the issue of whether or not the appellant had access to family or friends in Jalalabad, or elsewhere and the findings he made at paragraphs 28 and 29 of the determination are unsafe. The judge failed properly to assess the Article 15(c) risk to this appellant and to properly assess the impact of security assessment of the appellant's private life claim, in respect of paragraph 276ADE(vi) of Statement of Changes in Immigration Rules, HC 395, as amended ("immigration rules").
3. The appellant has been denied a fair hearing and appeal is remitted to the First Tier Tribunal where it will be heard by a judge other than First-tier Tribunal Judge Parker. A Punjabi Afghan interpreter will be required. Two hours should be allowed for the hearing of the appeal.
4. No anonymity direction is made.

Richard Chalkley

Upper Tribunal Judge Chalkley

21 August 2019