



**Upper Tribunal
(Immigration and Asylum Chamber) Appeal Number: PA/04779/2018**

THE IMMIGRATION ACTS

**Heard at North Shields
On 7 December 2018**

**Decision & Reasons
Promulgated
On 10 January 2019**

Before

DEPUTY UPPER TRIBUNAL JUDGE ZUCKER

Between

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Appellant

and

**MIUH
(ANONYMITY DIRECTION MADE)**

Respondent

Representation:

For the Appellant: Mr Diwnycz, Senior Home Office Presenting Officer

For the Respondent: Ms Brakaj, of Iris Law Firm

DECISION AND REASONS

1. MIUH is a citizen of Pakistan whose date of birth is recorded as 20 October 1967. He made application for international protection as a refugee. That application was rejected by the Secretary of State on 16 March 2018. He appealed. His appeal was heard by Judge of the First-tier Tribunal Head-Rapson on 14 May 2018 sitting at North Shields. She allowed the appeal.
2. By notice dated 15 June 2018 the Secretary of State for the Home Department made application for permission to appeal to this Tribunal.

Permission was granted at first instance on 29 June 2018 by Judge Pedro on the basis that there was inadequate reasoning.

3. I confess that in my initial view of this case was that there had been inadequate reasoning, but Ms Brakaj has persuaded me that in fact looking to the grounds which were not expanded upon, the Secretary of State is not entitled to succeed. The grounds are brief. The Secretary of State had targeted only one part of the decision. Mr Diwnycz quite properly concedes that the focus of the ground was entirely on the issue of internal relocation and restricted therefore to that.
4. The grounds state as follows:
 - “1. *The FTTJ has failed to give any reasons or any adequate reasons for finding that the appellant is at risk on return. Notwithstanding that the document has been found to be credible the FTTJ has failed to give reasons for why the appellant would be at risk in Pakistan in 2018, particularly crucial given the appellant has not been in Pakistan in 2013 (see paragraph 47).*
 2. *Secondly, the reasons given for why the appellant could not relocate are inadequately reasoned and fails to consider that Pakistan is an enormous country with a significant population. There is no explanation how the appellant’s presence would even become known to the non-state agents who are allegedly interested in doing him harm (paragraph 48).*
 3. *Therefore this determination is wholly lacking in reasons and as such the SSHD as the losing party does not understand why it is that the appellant would be risk on return.”*
5. Ms Brakaj drew my attention to the fact that the grounds do not focus on the credibility of the substance of the Appellant’s case but on whether or not the Judge had adequately reasoned why it was that the Appellant could not internally relocate.
6. Mr Diwnycz quite properly accepted that that had to be the approach in this appeal given the way in which the grounds been granted and so the focus had to be with paragraphs 47 and 48 of the decision which are reflected in the grounds themselves.
7. It is trite law that the losing party needs to understand why they have lost. Equally it is trite law (**R Iran [2005] EWCA Civ 982**) that the reasons need only be adequate. Whilst it is right that the Judge could have said rather more she was not obliged to do so. Any decision and reasons must read as a whole. There are documents that were before the Tribunal as late as 2016 which explain how, notwithstanding the passage of time since events of 2013 the Judge came to the view that there was a continued risk on return. Specifically, on the point taken by the Secretary of State that given the size of the country, MIUH could relocate, I refer to paragraph 48 of the Decision and Reasons and the acceptance of the account that family members who had relocated had been found.

8. There was therefore reasoning albeit just sufficient, but nevertheless sufficient. In the circumstances the appeal of the Secretary of State is dismissed. I am grateful to Mr Diwnycz for the realistic approach which he took in this appeal.

Decision

The appeal is dismissed.

Direction Regarding Anonymity - Rule 14 of the Tribunal Procedure (Upper Tribunal) Rules 2008

Unless and until a Tribunal or court directs otherwise, the Appellant is granted anonymity. No report of these proceedings shall directly or indirectly identify him or any member of their family. This direction applies both to the Appellant and to the Respondent. Failure to comply with this direction could lead to contempt of court proceedings.



**Signed
Deputy Upper Tribunal Judge Zucker**

Date: 20 December 2018