



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

Appeal Number: PA/05233/2018

THE IMMIGRATION ACTS

**Heard at Field House
On 11 April 2019**

**Decision & Reasons
Promulgated
On 25 April 2019**

Before

DEPUTY UPPER TRIBUNAL JUDGE CHANA

Between

**[U F]
(ANONYMITY DIRECTION NOT MADE)**

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Mr B Bradford of Counsel, instructed by Central England Law Centre

For the Respondent: Mr L Tarlow, Home Office Presenting Officer

DECISION AND REASONS

1. The appellant is a citizen of Pakistan born on 1 September 1993. Her application for protection was refused by the respondent in a decision dated 5 September 2017. First-tier Tribunal Judge E M M Smith dismissed the appellant's appeal in a decision dated 18 September 2018.
2. Permission to appeal was granted by First-tier Tribunal Judge Blundell on 17 October 2018, stating that it is arguable that the judge's analysis of

paragraph 34 conflated the two limbs of the internal relocation assessment for the appellant, which is (1) safety and (2) reasonableness of return and relocation within Pakistan. If these questions had been addressed separately and material matters specific to the appellant had been taken into account, it might have led to an arguably different decision.

3. Mr Tarlow very helpfully at the hearing accepted that the appellant's personal circumstances and the objective evidence on relocation should be considered in a fresh hearing. I am also of the view that the First-tier Tribunal Judge conflated the reasonableness of return and safety of return test. Given the First-tier Tribunal Judge's findings that the appellant has been credible in her claim about her family circumstances and the presumption that she has betrayed her husband, it is imperative that everything is considered very carefully.
4. I therefore set aside the decision of First-tier Tribunal Judge E M M Smith and remit it to the First-tier Tribunal to be placed before any judge other than E M M Smith.

Decision

Appeal remitted to the First-tier Tribunal.

No anonymity direction is made.

Signed

Date 21st day of April 2019

Deputy Upper Tribunal Judge Chana