



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

Appeal Numbers: PA/00824/2020  
PA/01712/2020

**THE IMMIGRATION ACTS**

**Determined on the papers under  
rule 34  
On 28<sup>th</sup> June 2021**

**Decision & Reasons Promulgated  
On 15<sup>th</sup> September 2021**

**Before**

**UPPER TRIBUNAL JUDGE JACKSON**

**Between**

**MAB & KMADM  
(ANONYMITY DIRECTIONS MADE)**

Appellant

**And**

**THE SECRETARY OF STATE FOR THE HOME DEPARTMENT**

Respondent

**DECISION AND REASONS**

1. The Appellants appeals with permission against the decision of First-tier Tribunal Judge Burnett promulgated on 10 February 2021, in which the Appellants appeals against the decision to refuse their protection and human rights claim dated 14 and 27 January 2020 were dismissed.
2. The grounds of appeal were that the First-tier Tribunal materially erred in law in (i) setting out the First Appellant's claims from his asylum statement only without any reference to the later statements or asylum interviews; nor to the oral evidence of either Appellant; (ii) dismissing the whole of the Appellants' claims of events in Mande by reference only to the First Appellant entering Pakistan on the same day as the authorities visited his sister-in-law as the basis for finding that the First Appellant was not of

interest to the authorities and without setting out the discrepancies and inconsistencies said to be relied upon, overall a lack of adequate reasons being given for the adverse credibility findings made; (iii) failing to make individual or specific findings on the claimed events in relation to each Appellant's credibility; (iv) making inadequate findings on the claimed sur place activities and making no reference to the written and oral evidence given by the witness, the President of the BRP in the United Kingdom.

3. In a rule 24 notice dated 23 March 2021, the Respondent indicated that the appeal was not opposed and invited the Upper Tribunal to set aside the decision and remit the appeals to the First-tier Tribunal. There followed some further correspondence on this from the Respondent but ultimately the position was maintained.

### **Findings and reasons**

4. Prior to the hearing I indicated to the parties that the Respondent's position as set out in the rule 24 notice was entirely appropriate upon a preliminary review of the appeal files and that if the parties were content, the hearing could be vacated on this basis and the appeal remitted to the First-tier Tribunal for a de novo hearing. The approach was agreed and the hearing then vacated.
5. In light of the above I do not give detailed reasons for finding an error of law in the First-tier Tribunal's decision but in summary, I find all of the grounds of appeal identified errors of law in the decision which require it to be set aside. The decision makes only selective reference to the evidence before it without any reasoned basis for doing so and whilst a Tribunal is not required to refer to each and every piece of evidence before it; a Tribunal is expected, not least in reaching credibility findings that as a minimum the witness evidence is referred to and/or reasons given for rejecting the same if that is the case. The Tribunal is required to make an assessment of the evidence in the round and reach findings upon the key parts of the claim, whereas in these appeals, the Tribunal makes only limited findings on certain aspects and relies on a very limited finding or matter only (in relation to claimed events in Pakistan and sur place activities) upon which to base much broader conclusions as a reason for dismissing the appeals. That is wholly insufficient and a clear error of law.

### **Notice of Decision**

The making of the decision of the First-tier Tribunal did involve the making of a material error of law. As such it is necessary to set aside the decision.

I set aside the decision of the First-tier Tribunal.

The appeals are remitted to the First-tier Tribunal (Taylor House hearing centre) for a de novo hearing before any Judge except Judge Burnett.

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

Unless and until a Tribunal or court directs otherwise, the appellants are granted anonymity. No report of these proceedings shall directly or indirectly identify them 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 G Jackson

Date 1<sup>st</sup> July 2021

Upper Tribunal Judge Jackson