



**IN THE UPPER TRIBUNAL**  
**IMMIGRATION AND ASYLUM CHAMBER**

Case No: UI-2022-005564

Linked: UI-2022-005565

UI-2022-005566

UI-2022-005567

UI-2022-005569

UI-2022-005570

First-tier Tribunal Nos:

PA/50745/2022 PA/50752/2022

PA/50753/2022

PA/50755/2022

PA/50757/2022

PA/50754/2022

**THE IMMIGRATION ACTS**

**Decision & Reasons Issued:**  
**On the 07 December 2023**

**Before**

**DEPUTY UPPER TRIBUNAL JUDGE SHEPHERD**

**Between**

**SMS & FIVE OTHERS (PAKISTAN)**  
**(ANONYMITY ORDER MADE)**

Appellant

**and**

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

Respondent

**Representation:**

For the Appellant: Mr Hussain, Counsel

For the Respondent: Mr Tan, Senior Home Office Presenting Officer

**Heard at Manchester Civil Justice Centre on 16 November 2023**

**Order Regarding Anonymity**

**Pursuant to rule 14 of the Tribunal Procedure (Upper Tribunal) Rules 2008, the Appellants are granted anonymity.**

**No-one shall publish or reveal any information, including the name or address of the Appellants, likely to lead members of the public to identify them. Failure to comply with this order could amount to a contempt of court.**

**DECISION AND REASONS**

## **Background**

1. This matter concerns appeals against the Respondent's decision letter of 14 February 2022, refusing the Appellants' family asylum and protection claim initially made on 19 October 2018.
2. The Appellants' claims are made on the basis that they have been financially extorted and otherwise targeted, including the First Appellant being kidnapped, by the Tehreek-e-Taliban in Pakistan. They fear that on return the Tehreek-e-Taliban will torture or kill them, or kidnap the children and use them as suicide bombers.
3. In its decision letter of 14 February 2022, the Respondent accepted that the Tehreek-e-Taliban kidnapped the Appellant and extorted money because he had provided a consistent and sufficiently detailed account of this aspect of the claim, which was also consistent with relevant country information. Nevertheless, the claim was refused as the Respondent considered that sufficiency of protection and internal relocation were available to the family.
4. The Appellants appealed the refusal decision.
5. Their linked appeals were heard by First-tier Tribunal Judge Hillis ("the Judge") at Manchester via CVP on 20 July 2022, who later dismissed them in his decision promulgated on 9 August 2022.
6. The Appellants applied for permission to appeal to this Tribunal on four grounds, namely that the Judge erred in his findings concerning: the Appellant's extended family's ability to help on return; sufficiency of protection; internal relocation and in making a number of mistakes of fact.
7. Permission to appeal was refused by First-tier Tribunal Judge Karbani on 8 November 2022.
8. On 18 November 2022, the Appellants applied to the Upper Tribunal for permission on the same grounds, plus an additional ground expanding on the allegations of error concerning sufficiency of protection and family assistance.
9. Permission to appeal was granted by Upper Tribunal Judge Jackson on 12 December 2022, stating:

"Whilst the first ground of appeal is fairly weak (given that the decision was that there was no evidence the Appellants' family in Rawalpindi would not support them on return), the other grounds are arguable. There was at least some evidence of the TTP operating in cities and wider areas in Pakistan (albeit this may not amount to the whole country), an arguable failure to consider past persecution and lack of police assistance and an arguable lack of consideration of both safety and reasonableness of internal relocation. The mistakes of fact in the final ground of appeal seem to show a lack of care taken with the decision rather than matters which were material to the outcome of the appeal, but I do not exclude any grounds from the grant of permission.

The First-Tier Tribunal's decision does not contain arguable errors of law capable of affecting the outcome of the appeal and permission to appeal is therefore granted".

10. The Respondent filed a rule 24 response on 20 December 2022 stating:

“The respondent does not oppose the appellant’s application for permission to appeal and invites the Tribunal to determine the appeal with a fresh oral (continuance) hearing to consider whether the appellant and dependents will be able to relocate within Pakistan, as identified in the permission to the Upper Tribunal granted on the 12th of December state”.

11. Clarification was requested of the Respondent as to whether the whole of the appeal to this Tribunal was being conceded but the response, received by email on 6 November 2023, did not provide this, still only referring to the issue of internal relocation and not also sufficiency of protection. It was therefore considered necessary to proceed to a hearing.

### **The Hearing**

12. The matter came before me for hearing on 16 November 2023.
13. Mr Hussain appeared by CVP to represent the Appellants. Mr Tan appeared in person to represent the Respondent.
14. Mr Tan helpfully conceded the decision of the Judge was infected by material error(s) of law as set out in the grounds of appeal and must be set aside. He expressed no preference as to the forum for remaking the decision but noted that updated Country Policy and Information Notes had been issued since the Judge’s decision.
15. Mr Hussain submitted that the appeal should be remitted to the First-tier Tribunal for hearing afresh.
16. Neither considered any further directions were needed save for the requirement for a Punjabi interpreter.
17. I confirmed I would (and hereby do) record the Respondent’s concession, and the Appellants’ agreement that the Judge’s decision does contain material error(s) of law which infect the decision as a whole such that it cannot stand. Despite the narrowness of the issues, due to the updated country evidence referred to by Mr Tan which may need to be addressed by either/both parties, I find the appropriate course of action is for the matter to be remitted to the First-tier Tribunal for hearing afresh.

### **Notice of Decision**

18. The decision of the First-tier Tribunal involved the making of an error/errors of law and I set it aside.
19. I remit the appeal to the First-tier Tribunal for a fresh decision on all issues, to be heard afresh by a judge other than Judge Hillis. No findings of fact are preserved.
20. Given the claim concerns issues of protection, an anonymity order is made concerning all Appellants.

**L.Shepherd**  
Deputy Judge of the Upper Tribunal  
Immigration and Asylum Chamber

**23 November 2023**