



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

**Appeal Number: PA/02635/2018**

**THE IMMIGRATION ACTS**

**Heard at Bradford  
On 11 March 2019**

**Decision & Reasons Promulgated  
On 18 March 2019**

**Before**

**UPPER TRIBUNAL JUDGE LANE**

**Between**

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

Appellant

**and**

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

Respondent

**Representation:**

For the Appellant: Mr Hussain, instructed by Bankfield Heath, solicitors  
For the Respondent: Mr Diwnycz, Senior Home Office Presenting Officer

**DECISION AND REASONS**

1. The appellant was born on 7 May 1988 and is a male citizen of Pakistan. He appealed to the First-tier Tribunal against a decision of the Secretary of State dated 7 February 2018 refusing his application for international protection. The First-tier Tribunal, in a decision promulgated on 30 October 2018, dismissed the appeal. The appellant now appeals, with permission, to the Upper Tribunal.
2. At the initial hearing at Bradford on 11 March 2019, the representatives for both parties agreed that the decision of the judge should be set aside. The appellant had produced in support of his appeal a number of photographs

showing him purportedly taking part in *sur place* activities in the United Kingdom. At [45], the judge wrote that 'none of the photos are dated or contemporaneously annotated.' In fact, the photographs in question did bear manuscript annotations indicating the activity taking place in the photograph and the date in each case. It appears that an administrative error led to the judge not having sight of annotations which were before both the representatives for both parties.

3. In the light of the agreement reached by both parties, I set aside the decision of the judge. None of the findings of fact shall stand. There will need to be a new fact-finding hearing which is better conducted in the First-tier Tribunal.

### **Notice of Decision**

4. The decision of the First-tier Tribunal is set aside. None of the findings of fact shall stand. The appeal is returned to the First-tier Tribunal (not Judge Bradshaw) for that tribunal to remake the decision.

Signed

Date 13 March 2019

Upper Tribunal Judge Lane