



IAC-FH-CK-V1

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

Appeal Number: PA/06674/2019

THE IMMIGRATION ACTS

**Heard via Microsoft Teams at Field House
On 30 September 2021**

**Decision & Reasons Promulgated
On 07 October 2021**

Before

UPPER TRIBUNAL JUDGE ALLEN

Between

**FB
(ANONYMITY DIRECTION MADE)**

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Mr S Winter, instructed by Maguire Solicitors

For the Respondent: Mr S Walker, Senior Home Office Presenting Officer

DECISION AND REASONS

1. The appellant is a national of Pakistan. He appealed to a Judge of the First-tier Tribunal against the Secretary of State's decision of 26 June 2019 refusing to grant asylum and humanitarian protection. The judge dismissed his appeal in a decision promulgated on 1 May 2020. The appellant appeals with permission to the Upper Tribunal against the judge's decision.

2. Having heard submissions from Mr Winter and Mr Walker, it became clear that there was a significant degree of common ground between the representatives as to the judge's decision. I agree with the arguments that have been put forward.
3. The first point relates to the discrepancies that the judge attached significance to in the decision. There is, I think, force in the contention made by Mr Winter that although there is some merit to the findings at, for example, paragraphs 50 and 51, the discrepancies that the judge identified at paragraphs 52, 53, 55 and 56 do not appear in reality to be discrepancies at all. For example, with regard to paragraph 52, it seems to me that there is a clear difference between a statement that the couple intended to marry and whether or not the marriage would be arranged, given the appellant's reasoning for that was that since his girlfriend's family were rich they would never have arranged a marriage between the couple. That is not inconsistent with the couple's intention to marry. Likewise, at paragraph 53, the appellant said that he went away to Multan after he had learnt that his girlfriend was expecting a baby and subsequently confirmed that he was still in Multan when the police went to his family home and in Multan when her brothers came to the family home. It is not clear what the discrepancy referred to there is. Again, with regard to whether or not the appellant moved within Multan before or after he was beaten up, the evidence considered at paragraphs 55 and 56 is far from conclusive in identifying a discrepancy in that regard.
4. A further point relates to the argument that the judge should have adjourned the hearing on the basis that the appellant had been said in a letter from Dr Dignon that it may be that should the appellant be formally assessed psychologically he would fulfil the criteria for post-traumatic stress. The judge was not prepared to adjourn the hearing, on the basis that a formal assessment of the appellant's mental health was not necessary for the appeal to proceed and he could be treated as a vulnerable witness for the purposes of giving evidence. There is no indication, however, that the judge considered the discrepancies identified in the context of that finding that the appellant was to be treated as a vulnerable witness, and that causes material concerns as to the credibility findings as a whole.
5. I attach less weight to the point about whether or not there was a duty to make enquiries on the part of the Secretary of State in this case. The test as set out in PJ (Sri Lanka) [2015] 1 WLR 1322 is a tight one, and it is not arguable that this is a case where the Secretary of State was obliged to make enquiries of the kind argued for. But it is not necessary to say any more about that in light of my findings on the errors with regard to the credibility assessment in this case, and as a consequence, bearing in mind that essentially credibility will have to be re-evaluated as a whole, I direct that the matter be listed for a renewed full hearing before the First-tier Tribunal in Glasgow again before a judge other than Judge Montgomery.

Notice of Decision

The appeal is allowed to the extent set out above.

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 his 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.

A handwritten signature in black ink, appearing to be 'A. Allen', written in a cursive style.

Signed
Upper Tribunal Judge Allen

Date 7 October 2021