



**Upper Tribunal
(Immigration and Asylum Chamber) Appeal Number: PA/02851/2020**

THE IMMIGRATION ACTS

Heard at George House, Edinburgh
On 26 January 2022

Decision & Reasons Promulgated
On 8 February 2022

Before

UPPER TRIBUNAL JUDGE MACLEMAN

Between

G A

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

For the Appellant: Mr S Winter, Advocate, instructed by Maguire, Solicitors
For the Respondent: Mr M Diwyncz, Senior Home Office Presenting Officer

DETERMINATION AND REASONS

1. FtT Judge Doyle dismissed the appellant's appeal by a decision promulgated on 25 February 2021.
2. By a decision promulgated on 9 August 2021, which should be read herewith, UT Judge Rintoul set aside the decision of Judge Doyle.
3. A transfer order has been made to enable the UT's decision-making to be completed by another Judge.
4. The FtT's findings of fact have been preserved. It remains to be decided whether, on those findings, the appellant is at risk in his home area;

whether there is legal sufficiency of protection for him in Pakistan; and whether it would be reasonable to expect him to relocate “albeit that his family [has been] attacked in different places”.

5. On the protection claim, the appellant produced and founded upon a supplementary report dated 15 January 2022 by Mr Asad Ali Khan. The respondent did not challenge the expert standing of the author.
6. As to remaking the decision, it was conceded by the respondent that the original decision is based on credibility only, with no alternative findings based on sufficiency of protection or internal relocation. No alternative analysis was offered in relation to the appellant’s evidence and the expert report.
7. The submissions in the appellant’s skeleton argument on the protection claim are upheld. On the FtT’s findings, the appellant is at risk in his home area. Based on his circumstances, on the background evidence, and on the report, protection is legally insufficient and risk, within a reasonably short period of time, is likely to follow him throughout Pakistan.
8. The appeal therefore succeeds within the Refugee Convention.
9. The appellant sought to introduce a new matter, his relationship with a UK citizen. He recognised that this claim could succeed only outside the rules. Mr Diwyncz did not oppose introduction of the new matter and the filing of supporting evidence. However, parties agreed that in view of the outcome on protection grounds it was unnecessary to explore the human rights claim.
10. The decision of the FtT has been set aside. The decision substituted is that the appeal, as originally brought to the FtT, is allowed on grounds falling within the Refugee Convention.
11. An anonymity direction remains in place at this stage.



26 January 2022
UT Judge Macleman

NOTIFICATION OF APPEAL RIGHTS

1. A person seeking permission to appeal against this decision must make a written application to the Upper Tribunal. Any such application must be **received** by the Upper Tribunal within the **appropriate period** after this decision was **sent** to the person making the application. The appropriate period varies, as follows, according to the location of the individual and the way in which the Upper Tribunal’s decision was sent:

2. Where the person who appealed to the First-tier Tribunal is **in the United Kingdom** at the time that the application for permission to appeal is made, and is not in detention under the Immigration Acts, the appropriate period is **12 working days (10 working days, if the notice of decision is sent electronically)**.

3. Where the person making the application is in detention under the Immigration Acts, **the appropriate period is 7 working days (5 working days, if the notice of decision is sent electronically)**.

4. Where the person who appealed to the First-tier Tribunal is **outside the United Kingdom** at the time that the application for permission to appeal is made, the appropriate period is **38 days (10 working days, if the notice of decision is sent electronically)**.

5. A “working day” means any day except a Saturday or a Sunday, Christmas Day, Good Friday or a bank holiday.

6. The date when the decision is “sent” is that appearing on the covering letter or covering email.