



**Upper Tribunal  
(Immigration and Asylum Chamber)  
PA/12923/2016**

**Appeal Number:**

**THE IMMIGRATION ACTS**

**Heard at Field House**

**On 28 April 2017**

**Decision & Reasons  
Promulgated  
On 03 May 2017**

**Before**

**DEPUTY UPPER TRIBUNAL JUDGE SHERIDAN**

**Between**

**ST  
(ANONYMITY DIRECTION MADE)**

Appellant

**and**

**SECRETARY OF STATE FOR THE HOME DEPARTMENT**

Respondent

**Representation**

For the Appellant: Ms E. Sanders, Counsel instructed by Duncan Lewis & Co  
For the Respondent: Mr P. Singh, Home Office Presenting Officer

**Anonymity**

**Pursuant to Rule 14 of the Tribunal Procedure (Upper Tribunal) Rules 2008 (SI 2008/269) I make an anonymity order. Unless the Upper Tribunal or a Court directs otherwise, no report of these proceedings or any form of publication thereof shall directly or indirectly identify the appellant. This direction applies to, amongst others, all parties. Any failure to comply with this direction could give rise to contempt of court proceedings.**

## **DECISION AND REASONS**

1. The appellant is a citizen of Pakistan born on 8th January 1989 whose application for asylum was rejected by the respondent. The appellant's subsequent appeal was heard by First-tier Tribunal Judge Quinn. In a decision promulgated on 18 January 2017, the judge dismissed the appeal. The appellant now appeals, with permission, against that decision.
2. The appellant's case before the First-tier Tribunal, in summary, was that he would be at risk on return to Pakistan because of his involvement in an ongoing land dispute and his activity for the Muttahida Qaumi Movement (MQM). He claims to have been arrested, detained and tortured on three occasions, and that his uncle has been killed, as a result of the land dispute. He also claims that the other family involved in the land dispute has powerful connections with the Pakistan Muslim League (Nawaz) (PML-N).
3. Judge Quinn did not accept the appellant's account. At paragraph 27 she stated that she did not find the appellant credible. She also stated that the appellant had not established there was a genuine land dispute that put him at risk and that:

*"The appellant had not produced any court documents relating to a land dispute...."*

4. The grounds of appeal argue, inter alia, that the appellant did submit court documents relating to the land dispute and that it was an error of law for the judge to fail to consider them.
5. Before me, Mr Singh acknowledged that the judge had erred in stating there was an absence of documents concerning the land dispute but maintained that because the judge had good reasons, unrelated to the land dispute, to find the appellant lacked credibility, the error was not material.

### Consideration

6. The bundle of documents before the First-tier Tribunal included, at pages 7 - 43, documents which concern a hearing in a court in Gujrat about a land dispute. They are in Urdu with an English translation that is certified by a translator.
7. As there were court documents relating to a land dispute before the First-tier Tribunal the judge was mistaken to state that there were no such documents and it was an error of law to reach a decision without having regard to, or making a finding in respect of, these documents.
8. The judge found the appellant to not be credible. Although there were several reasons for this (including, in particular, the delay in making the asylum application) it is apparent from the decision that one of the reasons she did not find him credible was that she did not accept there was a land dispute. Consequently, the error of law (which renders the judge's finding on


the land dispute unsafe) affects the credibility assessment. Given the importance of the credibility finding to the outcome, the error in respect of the land dispute was material, such that the decision cannot stand.

9. I have considered, and heard submissions on, whether I should proceed to remake the decision. Given that the error of law affects the First-tier Tribunal's credibility findings, both parties were in agreement that the case would need to be considered afresh. I agree. Accordingly, the appeal should be remitted to the First-tier Tribunal.

#### Decision

10. The decision of the First-tier Tribunal contains a material error of law such that it should be set aside in its entirety and the appeal heard afresh.
11. The appeal is remitted to the First-tier Tribunal for hearing afresh before a judge other than First-tier Tribunal Judge Quinn.

Signed



Deputy Upper Tribunal Judge Sheridan

Dated: 2 May 2017