



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

Appeal Number: PA/00833/2017

**THE IMMIGRATION ACTS**

**Heard at Field House  
On 27<sup>th</sup> February 2019  
Typed, corrected, signed and sent  
to Promulgation on 7<sup>th</sup> March  
2019.**

**Decision & Reasons Promulgated**

**On 11 March 2019**

**Before**

**Upper Tribunal Judge Chalkley**

**Between**

**MR SULEMAN [R]  
(ANONYMITY DIRECTION NOT GIVEN)**

Appellant

**and**

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

Respondent

**Representation:**

*For the Appellant: Ms P Yong instructed by Wimbledon Solicitors*

*For the Respondent: Ms N Willocks-Briscoe a Senior Home Office Presenting Officer*

**REASONS FOR FINDING AN ERROR OF LAW**

*First-tier Tribunal Judge Freer made a direction under Rule 13 of the Tribunal Procedure (First-tier Tribunal) (Immigration and Asylum Chamber) Rules 2014. I discharge that certificate there is no basis upon which the appellant is entitled to anonymity.*

1. The appellant is a citizen of Pakistan and claims to be a Christian. He applied for six months' family visit to the United Kingdom on 10<sup>th</sup> July 2011 and he was granted a visa until 24<sup>th</sup> October 2012. On 18<sup>th</sup> July 2016 he made an appointment and eight days later claimed international protection. His claim for asylum was refused on 12<sup>th</sup> January 2017 and the appellant appealed to the First-tier Tribunal.
2. The appellant claimed that he would be killed on return to his country of origin by Muslims associated with a madrassa or school near his college that he attended in 2011. He was found in December of that year to be in possession of a flash drive at the college which had two derogatory cartoons of the prophet loaded onto it. It was assumed that he put them there. It was not his flash drive and he did not know how they had been recorded. He borrowed the flash drive as he was on a computer course and had some files he wished to put on it. The incident occurred in December 2015.
3. His appeal was initially heard by Judge Cameron who allowed the appeal in a determination dated 16<sup>th</sup> March 2017. Subsequently the determination was set aside by the Upper Tribunal and the appeal was remitted to the First-tier Tribunal. Judge Freer noted that there was fresh material to consider in addition to the original claim for asylum, because the appellant claimed to have started doing evangelism in 2017 and earlier. He claimed that he was a Roman Catholic but having arrived in the United Kingdom he is now involved with an Anglican Church and feels the need to evangelise.
4. The judge heard oral evidence from the appellant, from [SM] and from the Reverend Canon Younis. Unfortunately, the judge does not give any indication as to whether or not he found the evidence of [SM] credible or not. There appears to be a contradiction between the evidence of both witnesses. Canon Younis says that the appellant was involved in street evangelising and was not actively preaching in the United Kingdom. It said that he was assisting and leafleting and that this is done on a door-to-door basis. The Reverend Younis was recorded by Judge Freer as saying that the appellant does not speak to people, but simply delivers leaflets although he is able to answer questions. In his evidence [SM] says, and it is recorded at paragraph 38, that the appellant helps his friends with leafleting on a monthly basis. He works under supervision. It is also said that the appellant understands the Word and he preaches. It is not explained why, as a Roman Catholic he had not previously understood the Word. That appears to be in direct contradiction with what Canon Younis said and it is important because of the findings made by the judge at paragraphs 115 and 117. Ms Yong asked that the appeal be remitted to the First Tier Tribunal and that the determination be set side so that fresh, clear, logical and properly reasoned findings can be made.
5. The determination is set aside. None of the findings are preserved. The matter will be heard afresh by a judge other than Judge Freer and Judge Cameron.

**Richard Chalkley**  
**A Judge of the Upper Tribunal.**