



Upper Tribunal
(Immigration and Asylum Chamber)

Appeal Number: PA/09136/2017

THE IMMIGRATION ACTS

Heard at Field House
On 29th May 2018

Decision & Reasons Promulgated
On 30th May 2018

Before

UPPER TRIBUNAL JUDGE KING TD

Between

LR

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

DETERMINATION AND REASONS

1. The appellant is a citizen of Iran who seeks asylum and/or humanitarian protection and challenges the respondent's decision to refuse to grant the same under the decision of 30th August 2017.
2. The appellant sought to appeal against that decision to the First-tier Tribunal, an appeal which was heard by First-tier Tribunal Judge Maxwell on 31st October 2017. In a decision promulgated on 14th November 2017 the appeal was dismissed in all respects.
3. The appellant sought to appeal that decision to the Upper Tribunal. Permission was granted on the basis that the Judge's findings suggested that the appellant had established a risk of serious harm on return to Iran and that the decision to dismiss the appeal was in error.
4. By letter of 25th January 2018 the respondent indicated that he did not oppose the appellant's application for permission to appeal and invited the Upper Tribunal to

rectify the clerical error and remake the decision in the light of the findings that the appellant would be at risk on return to Iran.

5. Directions were issued on 16th May 2018 to all parties, indicating that that was the course which the Upper Tribunal was minded to take, subject to any submissions made to the contrary. No submissions have been made.
6. In those circumstances the appellant's appeal before the Upper Tribunal is allowed. The Upper Tribunal finds there to be an error of law in the decision of the First-tier Tribunal both as to asylum and human rights. In those circumstances it sets the decision of the First-tier Tribunal aside.
7. I proceed therefore to remake the decision, adopting the facts as found by the First-tier Tribunal and allowing the appeal both on asylum and human rights grounds for the reasons as set out by the First-tier Tribunal.

Decision

The appellant's appeal for asylum is allowed. The claim for human rights is also allowed.

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.



Signed

Date 29 May 2018

Upper Tribunal Judge King TD