



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

Appeal Number: PA/04036/2018

THE IMMIGRATION ACTS

**Heard at Bradford
On 5 March 2019**

**Decision & Reasons Promulgated
On 12 March 2019**

Before

UPPER TRIBUNAL JUDGE LANE

Between

**[M O]
(ANONYMITY DIRECTION NOT MADE)**

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Mr Hussain, instructed by Halliday Reeves, Law Firm
For the Respondent: Mr Howells, Senior Home Office Presenting Officer

DECISION AND REASONS

1. The appellant was born on 25 June 1994 and is a female citizen of Iran. By a decision dated 12 March 2018, the appellant was refused international protection by the Secretary of State. The appellant appealed to the First-tier tribunal which, in a decision promulgated on 14 May 2018, dismissed the appeal. The appellant now appeals, with permission, to the Upper Tribunal.
2. Permission to appeal was granted by the Upper Tribunal on the ground that it was arguable that 'the judge had failed to have adequate regard to or provide adequate reasons for his finding that the appellant would not be

at risk as a failed asylum seeker [returning to Iran] pregnant and unmarried.'

3. At the initial hearing at Bradford on 5 March 2019, Mr Howells, who appeared for the Secretary of State, told me that it is the Secretary of State's view that the judge failed to carry out a thorough analysis of risk on return, including consideration of those factors referred to in the grant of permission. He told me that the Secretary of State agreed that the judge had erred in law such that his decision fell to be set aside. Moreover, since the First-tier Tribunal hearing, the appellant has given birth to a child (10 October 2018). The father is her British partner. The operation of section 117B(6) of the 2002 Act means that it is not in the public interest for this appellant, who all parties accept has a genuine and subsisting relationship with a qualifying child, to be required to leave the United Kingdom.

Notice of Decision

4. The decision of the First-tier tribunal which was promulgated on 14 May 2018 is set aside. I have remade the decision. The appellant's appeal against the decision of the Secretary of State dated 12 March 2018 is allowed on human rights grounds (Article 8 ECHR)

Signed

Date 8 March 2019

Upper Tribunal Judge Lane