



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

Appeal Number: PA/05398/2019

THE IMMIGRATION ACTS

**Heard at Bradford
On 29 November 2019**

**Decision & Reasons Promulgated
On 5 December 2019**

Before

UPPER TRIBUNAL JUDGE LANE

Between

**ASOO HANIFE
(ANONYMITY DIRECTION NOT MADE)**

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Mr Middleton, Kirklees Law Centre

For the Respondent: Mrs Pettersen, Senior Home Office Presenting Officer

DECISION AND REASONS

1. The appellant was born on 2 October 1994 and is a male citizen of Iran. He arrived in the United Kingdom in February 2019. By decision dated 24 May 2019, the respondent refused the appellant international protection. The appellant appealed to the First-tier Tribunal which, in a decision promulgated on 5 August 2019, dismissed the appeal. The appellant now appeals, with permission, to the Upper Tribunal.
2. At the initial hearing before the Upper Tribunal in Bradford on 29 November 2019, Mrs Pettersen, who appeared for the Secretary of State, acknowledged that the judge had erred in law for the reasons set out in

the grounds of appeal. The main argument advanced in the grounds is succinctly summarised by Upper Tribunal Judge Pitt in the grant permission:

“It is arguable that the First-tier Tribunal took an incorrect approach the appellant’s evidence, for example the appellant being clear in his interview that he had worked as a smuggler for two years not ‘shortly before’ the convoy he was in was attacked, as stated by the First-tier Tribunal judge at [32], the appellant explaining his appeal statement having come to find out more information about the attack on the convoy after he had escaped and the short arrests of the appellant’s father being consistent with the country evidence.”

3. I am satisfied that the judge misunderstood the evidence for the reasons advanced in the grounds of appeal and, in addition, at [33] made a finding regarding the information provided to the appellant by his uncle concerning which the appellant had been given no opportunity to provide an explanation.
4. The decision of the First-tier Tribunal is set aside. None of the findings of factual stand. There will need to be a new fact-finding exercise which is better conducted before the First-tier Tribunal to which Tribunal this appeal is now returned for it to remake the decision.

Notice of Decision

The decision of the First-tier Tribunal is set aside. None of the findings of factual stand. The appeal is returned to the First-tier Tribunal (not Judge Hillis) for that Tribunal to remake decision following a hearing *de novo*.

Signed

Date 2 December 2019

Upper Tribunal Judge Lane