



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

Appeal Number: PA/ 07706/2018

THE IMMIGRATION ACTS

**Heard at Manchester Civil Justice Centre
On 15 February 2019**

**Decision & Reasons
Promulgated
On 20 February 2019**

Before

UPPER TRIBUNAL JUDGE LANE

Between

**AK
(ANONYMITY DIRECTION MADE)**

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Ms Faryl, instructed by VIP Legal

For the Respondent: Mr McVeety, Senior Home Office Presenting Officer

DECISION AND REASONS

1. The appellant, AK, is a citizen of Iran whose date of birth has not been established. He entered the United Kingdom in December 2011, clandestinely. He was served with a notice as an illegal entrant. He claimed asylum and, by decision dated 6 June 2018, he was refused international protection by the respondent. He appealed to the First-tier Tribunal (Judge NMK Lawrence) which, in a decision promulgated on 16 August 2018, dismissed the appeal. The appellant now appeals, with permission, to the Upper Tribunal.

2. At the initial hearing at Manchester on 15 February 2019, I was assisted by that both advocates. They told me that at the First-tier Tribunal decision could not stand and that the grounds of appeal had been established. Having read the decision of the First-tier Tribunal, I agree. I find that that each of the grounds of appeal have been made out and that the judge's decision is vitiated by reason of his flawed analysis of credibility. I set aside the decision. None of the findings of fact shall stand. There will need to be a new fact-finding exercise which is better conducted in the First-tier Tribunal. I therefore return the appeal to the First-tier Tribunal for that tribunal to remake the decision.

Notice of Decision

3. The decision of the First-tier Tribunal promulgated on 16 August 2018 is set aside. None of the findings of fact shall stand. The appeal is returned to the First-tier Tribunal (not Judge NMK Lawrence) for that Tribunal to remake the decision.

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 15 February 2019

Upper Tribunal Judge Lane