



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

Appeal Number: PA/12555/2018

THE IMMIGRATION ACTS

**Heard at Field House
On 12th July 2019**

**Decision & Reasons Promulgated
On 23rd July 2019**

Before

UPPER TRIBUNAL JUDGE MARTIN

Between

**R Y A
(ANONYMITY DIRECTION MADE)**

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Mr A Gilbert (instructed by B.H.T. Immigration Legal Services)

For the Respondent: Mr E Tufan (Senior Home Office Presenting Officer)

DECISION AND REASONS

1. This is an appeal to the Upper Tribunal by the appellant in relation to a judgment of First-tier Tribunal Judge Beach promulgated on 2nd May 2019.
2. The appellant is an Iraqi Kurd born in 2001. It was accepted by the judge in the First-tier Tribunal that he is extremely vulnerable, he has learning difficulties and the events that he claims took place in Iraq took place when he was a child. The judge, given his learning difficulties and vulnerability agreed with the suggestion that it was inappropriate for him to give evidence and be cross-examined. The case was then dealt with

purely on submissions. In the Decision and Reasons the judge made adverse credibility findings against the appellant based on plausibility issues which are, in my view, not sustainable.

3. Mr Tufan on behalf of the Secretary of State accepted that the determination was tainted by material errors of law and that it was appropriate for the Decision to be set aside in its entirety and the matter to be remitted to the First-tier for a full rehearing on all issues. The appropriate hearing centre is Taylor House.
4. I understand also that there is a country guidance case on the issue of documentation for Iraqis that has been heard but not yet promulgated and it will be appropriate if this case was listed for its fresh hearing after that Decision has been promulgated and reported.

Notice of Decision

5. The appeal to the Upper Tribunal is allowed to the extent that the Decision is set aside and the matter remitted to the First-tier Tribunal.

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 17 July 2019

Upper Tribunal Judge Martin