



IAC-AH-SAR-V1

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

Appeal Number: PA/07478/2019

THE IMMIGRATION ACTS

**Heard at Field House
On 28 February 2020**

**Decision & Reasons Promulgated
On 09 March 2020**

Before

UPPER TRIBUNAL JUDGE LANE

Between

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Appellant

and

BNA

(ANONYMITY DIRECTION MADE)

Respondent

Representation:

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

For the Respondent: Ms Choudhry, Nebula Law Solicitors

DECISION AND REASONS

1. I shall refer to the appellant as the 'respondent' and the respondent as the 'appellant', as they appeared respectively before the First-tier Tribunal. The appellant was born in 1972 and is a citizen of Iraq. By a decision dated 12 July 2019, the Secretary of State refused his application for international protection. The appellant appealed to the First-tier Tribunal which in a decision promulgated on 26 November 2019, allowed the appeal.

2. The parties agree that the judge erred in law. The judge should have allowed the appeal on Article 15 (c) (humanitarian protection) grounds and not on asylum grounds. Both parties agree that the decision should be set aside and remade by the Upper Tribunal dismissing the asylum appeal but allowing the appeal on humanitarian protection grounds.

Notice of Decision

The decision of the First-tier Tribunal is set aside. I have remade the decision. The appeal is dismissed on asylum grounds. The appeal is allowed on humanitarian protection grounds.

Signed
Upper Tribunal Judge Lane

Date 28 February 2020

Direction Regarding Anonymity - Rule 14 of the Tribunal Procedure (Upper Tribunal) Rules 2008

Unless and until a Tribunal or court directs otherwise, the appellants are granted anonymity. No report of these proceedings shall directly or indirectly identify them or any member of their family. This direction applies both to the appellants and to the respondent. Failure to comply with this direction could lead to contempt of court proceedings.