



Upper Tribunal  
(Immigration and Asylum Chamber)

Appeal Number: LP/00113/2020

**THE IMMIGRATION ACTS**

Heard at Field House  
On the 11<sup>th</sup> October 2020

Decision & Reasons Promulgated  
On the 13<sup>th</sup> October 2021

Before

UPPER TRIBUNAL JUDGE GLEESON

Between

M M M (IRAQ)  
[ANONYMITY ORDER MADE]

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

**Representation:**

For the Appellant: Mr George Brown, Counsel instructed by Parker Rhodes  
Hickmotts solicitors

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

**DECISION OF THE UPPER TRIBUNAL**

PURSUANT TO RULE 40(3)(a) OF  
THE TRIBUNAL PROCEDURE (UPPER TRIBUNAL) RULES 2008

**Anonymity Order**

*Pursuant to Rule 14 of the Tribunal Procedure (Upper Tribunal) Rules 2008 (SI 2008/269) The Tribunal has ORDERED that no one shall publish or reveal the name or address of M M M who is the subject of these proceedings or publish or reveal any information which would be likely to lead to the identification of him or of any member of his family in connection with these proceedings.*

*Any failure to comply with this direction could give rise to contempt of court proceedings.*

1. The appellant appeals with permission from the decision of the First-tier Tribunal dismissing his appeal against the respondent's decision to refuse him refugee status under the 1951 Convention, humanitarian protection, or leave to remain in the United Kingdom on human rights grounds.
2. The appellant's claim for international protection is based on his rejection of the Muslim faith into which he was born, which is said to have occurred gradually over the years 2010-2017, culminating in a public refutation at his father's mosque in 2017 and his arrest and detention by Asayish, the official security agency in the Kurdish region of Iraq.
3. It is common ground that the First-tier Tribunal did materially err in law as set out in the grounds of appeal, with particular reference to the First-tier Judge's credibility findings. Both parties agree that this is a case where the decision of the First-tier Tribunal must be set aside and remade.
4. I am satisfied that the decision of the First-tier Tribunal can properly be set aside without a reasoned decision notice.
5. Pursuant to rule 40(3) of the Tribunal Procedure (Upper Tribunal) Rules 2008, no reasons (or further reasons) will be provided unless, within 7 days of the sending out of this decision, either party indicates in writing that they do not consent to the appeal being disposed of in the manner set out at (5) above.
6. If in consequence an oral hearing is required, but the outcome is the same, the Upper Tribunal will consider making an order for wasted costs.

### **Decision**

7. I set aside the decision of the First-tier Tribunal, with no findings of fact or credibility preserved.
8. The appeal will now be remitted to the First-tier Tribunal for remaking afresh.

Signed: *Judith AJC Gleeson*  
Upper Tribunal Judge Gleeson

Date: 11 October 2021