



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

Appeal Number: IA/01361/2020  
PA/51944/2020 (UI-2021-001516)

**THE IMMIGRATION ACTS**

**On Papers**

**Decision and Reasons  
Promulgated**

**On: 1 April 2022**

**On: 31 May 2022**

**Before**

**Upper Tribunal Judge Kebede**

**Between**

**AK  
(Anonymity Order made)**

**Appellant**

**and**

**SECRETARY OF STATE FOR THE HOME DEPARTMENT**

**Respondent**

**DECISION PURSUANT TO RULE 39(1)  
THE TRIBUNAL PROCEDURE (UPPER TRIBUNAL) RULES 2008**

1. The appellant is a citizen of Iraq. He appealed to the First-tier Tribunal against a decision dated 29 September 2020 to refuse his asylum and human rights claim. First-tier Tribunal Judge (FTTJ) O R Williams allowed his appeal on all grounds in a decision promulgated on 22 December 2021.
2. The respondent sought, and was granted, permission to appeal against the decision of the FTTJ.
3. By consent, the parties have agreed the following:
  - (i) that the grounds of appeal reveal a material error of law in the decision of FTTJ O Williams in allowing the appeal under the Refugee

Convention, having failed to identify a convention reason and/or given adequate reasons for doing so;

(ii) that the decision of FTTJ O Williams should be set aside;

(iii) that the findings of fact otherwise made by FTTJ O Williams being sustainable and unchallenged, the decision in the appeal should be re-made without the need for an appeal hearing by dismissing the appeal under the Refugee Convention and allowing it under Humanitarian Protection and/or Art 3 ECHR.

4. Pursuant to rule 39 of the Tribunal Procedure (Upper Tribunal) Rules 2008, I make a consent order in the terms expressed in [3] above, considering it appropriate to do so, and thus setting aside the decision of FTTJ Williams and re-making the appeal by dismissing it under the Refugee Convention and allowing it under Humanitarian Protection and Art 3 ECHR.
5. The consent order is as contained herein, no separate document being required.

Signed S Kebede  
Upper Tribunal Judge Kebede

Date: 1 April 2022