



IN THE UPPER TRIBUNAL
IMMIGRATION AND ASYLUM CHAMBER

Case No: UI-2022-005049

First-tier Tribunal Nos: PA/50894/2021
IA/02034/2021

THE IMMIGRATION ACTS

**Decision & Reasons Issued:
On 29 August 2023**

Before

UPPER TRIBUNAL JUDGE PERKINS

Between

**AAH
(ANONYMITY ORDER MADE)**

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Mr C Holmes of Counsel instructed by Broudie Jackson Canter Solicitors

For the Respondent: Mr A M^CVeety, Senior Home Office Presenting Officer

Heard at Manchester Civil Justice Centre on 24 March 2023

Order Regarding Anonymity

Pursuant to rule 14 of the Tribunal Procedure (Upper Tribunal) Rules 2008, [the appellant] (*and/or any member of his family, expert, witness or other person the Tribunal considers should not be identified*) is granted anonymity.

No-one shall publish or reveal any information, including the name or address of the appellant, likely to lead members of the public to identify the appellant (*and/or other person*). Failure to comply with this order could amount to a contempt of court.

DECISION AND REASONS

(extempore)

1. This is an appeal against a decision of the First-tier Tribunal dismissing the appellant's appeal against a decision of the Secretary of State refusing him international protection.
2. There were essentially two points taken in the grounds of appeal but I concentrate on one because this led to the matter being dealt with by agreement this morning. Of particular concern is the contention that on the findings the judge had made he ought to have allowed the appeal.
3. We remember that we are dealing with a citizen of Iran of Kurdish nationality. Citizens of Iran of Kurdish nationality often have difficulties with the authorities and particularly those who have leanings towards any kind of independence or separatism.
4. In this appeal the First-tier Tribunal Judge found that the appellant was a sympathiser with the KDPI. The judge did not accept that he was an active supporter but that rather misses the point as Mr M^CVeety conceded this morning.
5. The appellant is a man who would attract attention to himself by reason of his return to Iran. Documentation would have to be obtained and the process of obtaining the documentation would necessarily attract a degree of enquiry or suspicion. That leads to the likelihood of an interview on return and what happens then depends very much on who is on duty on the particular day.
6. I am quite satisfied from the background material that there is a real risk of an interview leading to the appellant disclosing his sympathies and that leading to persecution.
7. Given that the judge's founding that the appellant was a sympathiser, even though he did not accept the appellant's claim that he was a more enthusiastic supporter than just a sympathiser, there is sufficient here to say the appeal ought to have been allowed.
8. I see no point in labouring the issues because Mr M^CVeety conceded that the appeal ought to be allowed. In doing so he was doing no more than taking an entirely professional and proper approach given the state of the country guidance and the low standard of proof that rests upon the appellant.

Notice of Decision

9. In the circumstances I am satisfied that the First-tier Tribunal erred in law. I set aside its decision and I substitute a decision allowing the appeal against the Secretary of State's decision.

Jonathan Perkins

Judge of the Upper Tribunal
Immigration and Asylum Chamber

24 August 2023