



IN THE UPPER TRIBUNAL
IMMIGRATION AND ASYLUM CHAMBER

Case No: UI-2023-000457
First-tier Tribunal No: PA/54947/2021
IA/15012/2021

THE IMMIGRATION ACTS

Decision & Reasons Issued:
On the 24 October 2023

Before

UPPER TRIBUNAL JUDGE HANSON

Between

MSS
(ANONYMITY ORDER MADE)

Appellant

and

SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

On the papers

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

1. In a decision promulgated on 19 September 2023 the Upper Tribunal found an error of law material to the decision of the First-tier Tribunal judge who dismissed the appellant's appeal. The error was specifically limited to the issue of the findings concerning documentation. Directions were given for the provision of further evidence with a view to a Resumed hearing before the Upper Tribunal.
2. In an email sent on 20 September 2023 the Senior Home Office Presenting Officer with conduct of the appeal wrote:

As per the discussion at the EOL hearing, the Secretary of State has received and reviewed the attached evidence. The appellant would be returned to Baghdad as he is from an area outside of the IKR and in light of the finding at [12] of the FTT determination, the Secretary of State is prepared to

accept the appellant is entitled to a grant of HP subject to the usual checks due to the appellant's lack of ability to access the required documentation. The Secretary of State seeks permission of the Upper Tribunal to treat the remainder of the decision as withdrawn on the point regarding documentation and the appeal concluded. The alternative is for the Upper Tribunal to allow the appeal on Humanitarian protection grounds on the basis of concession/ acceptance above.

The Secretary of State has had a email conversation with the appellant's representative who has confirmed yesterday (19.9.2023) that the appellant is content to accept the grant of HP.

3. In an email dated 6 October 2013, sent by the appellant's representative it is written "*it is our understanding that the respondent has agreed to grant leave to remain in this matter, and we have agreed to the terms*".
4. On the basis of the further information and the concession by the Secretary of State, properly made on the evidence, that the appellant is entitled to a grant of Humanitarian Protection, I consider it unnecessary to hold an oral hearing and appropriate for the matter be determined on the papers.
5. Accordingly, I allowed the appeal to the extent that the appellant is entitled a grant of Humanitarian protection.

Notice of Decision

6. Appeal allowed on humanitarian protection grounds only.

C J Hanson

Judge of the Upper Tribunal
Immigration and Asylum Chamber

20 October 2023