



**IN THE UPPER TRIBUNAL**  
**IMMIGRATION AND ASYLUM CHAMBER**

**Case No: UI-2023-002023**  
**First-tier Tribunal No:**  
**PA/52856/2022**  
**IA/07283/2022**

**THE IMMIGRATION ACTS**

**Decision & Reasons Issued:**  
**On the 06 June 2024**

**Before**

**UPPER TRIBUNAL JUDGE PERKINS**

**Between**

**H D**  
**(ANONYMITY ORDER IN FORCE)**

Appellant

**and**

**SECRETARY OF STATE FOR THE HOME DEPARTMENT**

Respondent

**Determined without a hearing pursuant to rule 34 of the  
Tribunal Procedure (Upper Tribunal) Rules 2008**

**DECISION AND REASONS**

1. This is an appeal against a decision of the First-tier Tribunal dismissing the appeal of the appellant, a male citizen of Iran, against the decision of the respondent refusing him international protection.
2. The main reason for giving permission to appeal is that it was thought arguable that the judge had made adverse credibility findings on points that the appellant could not reasonably have known to have been in dispute.
3. The respondent has indicated unequivocally in an e-mail that the appeal is not opposed and that the proper disposal is for the decision of the first tier tribunal to be set aside and the case heard again in the first tier tribunal.
4. For reasons that are not clear, attempts to agree a disposal by consent have foundered and, ironically, efforts to ensure a quick disposal have in fact caused delay.
5. In all the circumstances I am satisfied that the appeal can be dealt with justly without a hearing.

6. I have had regard to the papers before me and I find the first tier tribunal erred in law and I set aside the decision and I directed the case be heard again in the first tier tribunal.

**Notice of Decision**

7. The First-tier Tribunal erred in law. I set aside this decision and direct the case be heard again in the First-tier Tribunal.

**Jonathan Perkins**

Judge of the Upper Tribunal  
Immigration and Asylum Chamber

**31 May 2024**