



IN THE UPPER TRIBUNAL
IMMIGRATION AND ASYLUM CHAMBER

Case No: UI-2024-000902

First-tier Tribunal No: PA/53182/2023
LP/00057/2024

THE IMMIGRATION ACTS

Decision & Reasons Issued:

On 11 September 2024

Before

DEPUTY UPPER TRIBUNAL JUDGE PARKES

Between

MMO
(ANONYMITY DIRECTION MADE)

Appellant

and

SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Ms S Khan (Counsel, instructed by Fisher Stone Solicitors)
For the Respondent: Mr A Tan (Senior Home Office Presenting Officer)

Heard at Field House on 2nd September 2024

Order Regarding Anonymity

Pursuant to rule 14 of the Tribunal Procedure (Upper Tribunal) Rules 2008, the Appellant 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. Failure to comply with this order could amount to a contempt of court.

DECISION AND REASONS

1. The Appellant, a citizen of Iran, claimed asylum on the 17th of November 2021, his claim was rejected for the reasons given in the Refusal Letter of the 9th of May 2023. The Appellant appealed to the First-tier Tribunal, his appeal was heard by Judge Lester at

Newport on the 2nd of February 2024 and dismissed for the reasons given in the decision promulgated on the 7th of February 2024.

2. The Appellant sought permission to appeal to the Upper Tribunal in grounds of the 9th of February 2024. In summary the grounds argue that the Judge erred in his treatment of the medical evidence amounting to a procedural irregularity, the Judge questioned the expertise of the Dr without raising that with the Appellant. It is also argued that the Judge did not take the medico-legal report into account when assessing the Appellant's credibility and failed to assess the risk to the Appellant at the pinch-point on return. Permission was granted by Judge Saffer on all grounds on the 6th of March 2024.
3. The Appellant's Upper Tribunal hearing was conducted with the representatives attending remotely, there were no technical issues. At the hearing Mr Tan for the Secretary of State indicated that the Respondent accepted that the grounds were made out and that the Judge had erred as the grounds argued. Accordingly, it was accepted that the decision of Judge Lester had to be set aside.
4. It was agreed by the parties that the appeal should be remitted to the First-tier Tribunal for re-hearing de novo with no findings preserved, not before Judge Lester. A Kurdish Sorani interpreter is required for the hearing.

Notice of Decision

5. This appeal is allowed, the decision of Judge Lester set aside and the appeal remitted to the First-tier Tribunal for re-hearing.

Judge Parkes

Deputy Judge of the Upper Tribunal
Immigration and Asylum Chamber

Dated: 2nd September 2024

