



IN THE UPPER TRIBUNAL
IMMIGRATION AND ASYLUM CHAMBER

Case No: UI-2020-000018

PA/50044/2020

THE IMMIGRATION ACTS

Decision & Reasons Issued:
On 14 July 2023

Before

UPPER TRIBUNAL JUDGE LANE

Between

MMM

(ANONYMITY ORDER MADE)

and

Appellant

Secretary of State for the Home Department

Respondent

Representation:

For the Appellant: Ms Khan
For the Respondent: Ms Young, Senior Presenting Officer

Heard at Phoenix House (Bradford) on 19 June 2023

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 is a male citizen of Iraq. He appealed to the Upper Tribunal against a decision of the First-tier Tribunal (Judge Hillis) dated 21 December 2021 dismissing his appeal.
2. The grant of permission reads as follows:

The grounds submit that the judge arguably erred in law by making a material mistake of fact as to the evidence for example in [61] of the decision that the Judge misquoted or misunderstood the evidence given by the appellant in relation to the Interview at questions 140 - 148 and made a mistake of fact in relation to the interpretation of the appellant's witness statement of February 2020 at [14].

It is arguable that finding the appellant is not credible regarding the family threats to kill him by stating erroneously, that it had not been previously mentioned, may render the findings on credibility as a whole unreliable and accordingly I grant permission to appeal.

3. Ms Young, for the Secretary of State, told me at the outset of the hearing that the respondent no longer opposes the appeal. She accepted that the decision of the First-tier Tribunal judge was, in parts, unclear and confusing and that the ground concerning the judge's misunderstanding of the appellant's evidence had been made out. She submitted that the judge's credibility assessment had been vitiated accordingly and that there would need to be a fresh fact-finding exercise in the First-tier Tribunal. Ms Khan, for the appellant, agreed as do I.

Notice of Decision

The decision of the First-tier Tribunal is set aside. None of the findings of fact shall stand. The appeal is returned to the First-tier Tribunal for that Tribunal to remake the decision following a hearing *de novo*.

C. N. Lane

Judge of the Upper Tribunal
Immigration and Asylum Chamber

Dated: 19 June 2023