



Upper Tribunal

(Immigration and Asylum Chamber)

Appeal Number: UI-2022-006440

[PA/51724/2021]

IA/05269/2021

THE IMMIGRATION ACTS

Decision & Reasons Issued:

On the 08 September 2023

Before

UPPER TRIBUNAL JUDGE KOPIECZEK

Between

**LSK
(ANONYMITY DIRECTION MADE)**

Appellant

and

SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Ms C. Johnrose, Counsel instructed by Broudie, Jackson
Canter

For the Respondent: Ms A. Everett, Senior Home Office Presenting Officer

Heard at Field House on 04 September 2023

Pursuant to rule 14 of the Tribunal Procedure (Upper Tribunal) Rules 2008, the appellant and any member of his family is granted anonymity because this is a protection appeal.

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 or any member of his family. Failure to comply with this order could amount to a contempt of court.

EA/14088/2016

**DECISION PURSUANT TO RULE 40(3)(a) OF THE TRIBUNAL PROCEDURE
(UPPER TRIBUNAL) RULES 2008**

1. The appellant, a citizen of Iran, appealed to the First-tier Tribunal (“FtT”) against a decision by the respondent to refuse his protection and human rights claim. The FtT dismissed the appeal in a decision promulgated on 12 July 2022.
2. Permission to appeal the decision of the FtT having been granted, the appeal came before me for hearing. At that hearing it was agreed between the parties that the FtT had erred in law for the reasons advanced in the grounds of appeal upon which permission to appeal was granted (and to which reference may be made for a full understanding of the errors of law).
3. In summary, the grounds contend that the First-tier Tribunal Judge (“the FtJ”) failed to make findings, or legally adequate findings, on material matters and failed to consider material evidence.
4. It was further agreed between the parties that the errors of law are such as to require the decision of the FtT to be set aside and for the appeal to be remitted to the FtT for a hearing *de novo*.
5. In the circumstances, I set aside the decision of the FtT for error of law and remit the appeal to the FtT for a hearing *de novo* before a judge other than First-tier Tribunal Judge Alis, with no findings of fact preserved.
6. For my part, it is important to record that the FtJ’s decision shows considerable industry and thought in its preparation.
7. In remitting the appeal I have had regard to paragraph 7.2 of the Practice Statement of the Senior President of Tribunals.
8. Pursuant to rule 40(3)(a) of the Tribunal Procedure (Upper Tribunal) Rules 2008, no reasons (or further reasons) are required, the decision being made with the consent of the parties.

A.M. Kopieczek
Upper Tribunal Judge Kopieczek

4/09/2023