



IN THE UPPER TRIBUNAL
IMMIGRATION AND ASYLUM CHAMBER

Case No: UI-2023-004953
First-tier Tribunal No: PA/52439/2023

THE IMMIGRATION ACTS

Decision & Reasons Issued:

2nd February 2024

Before

UPPER TRIBUNAL JUDGE LANE

Between

AMH
(ANONYMITY ORDER MADE)

Appellant

and

Secretary of State for the Home Department

Respondent

Representation:

For the Appellant: Ms Mair

For the Respondent: Mr McVeety, Senior Presenting Officer

Heard at Manchester Civil Justice Centre on 8 January 2024

DECISION AND REASONS

1. The appellant is a citizen of Iraq and was born on 15 September 1991. He appealed to the First-tier Tribunal against a decision of the Secretary of State refusing his claim for international protection. The First-tier Tribunal, in a decision dated 18 October 2023, dismissed the appeal. The appellant now appeals, with permission, to the Upper Tribunal.
2. At the initial hearing at Manchester Magistrates Court, Mr McVeety, who appeared for the Secretary of State, told me that the respondent did not oppose the appeal. I shall therefore be brief.
3. At [21], the judge deals with a news report from Shar Press, 'A Feudal Girl is Killed by her brother' dated 2 October 2020 stating that the appellant's wife N was murdered by her family in October 2020. The expert witness for the appellant, Dr Sheri Laizer, confirmed the bona fides of Shar Press at Section 3 of

her report. The judge was 'satisfied that the article in the newspaper is genuine, and that Shar Press is a genuine news outlet.'

4. Notwithstanding that finding, the judge concluded that 'the report is unreliable and carries no weight even to the lower standard' citing *Tanveer Ahmed** [2002] UKIAT 00439 and finding that the 'the Journalism (*sic*) was not observed and verified directly by the reporter from Sahr Press (for instance, the reporter did not visit the house.)' The judge goes on to find that the appellant's lack of interest in his wife's murder and the failure of the appellant to produce a death certificate for his wife led him to find that he could not place weight on the news report.
5. The judge's analysis is problematic. He was correct to consider the news report in the context of all the evidence. Some of the reasons for casting doubt on the appellant's evidence, including the new report, may have been valid. Indeed, had those reasons led him to reject the authenticity of the report entirely that may have been understandable. However, to find the report genuine and to appear to accept that those making the report believed its contents to be true but then to attach no weight to it because, at least in part, the journalist had not visited the house where the murder had allegedly occurred is bizarre. Journalists throughout the world report on matters which they have not witnessed first hand. To give the report no weight having found it to be genuine was, as the parties agree, perverse. I am satisfied that the appellant has not been given clear and unambiguous reasons why he lost his appeal.
6. In the circumstances, the appeal is allowed and the decision of the First-tier Tribunal is set aside. There will need to be a fresh fact-finding which is better conducted in the First-tier Tribunal.

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 after a hearing *de novo*.

C. N. Lane

Judge of the Upper Tribunal
Immigration and Asylum Chamber

Dated: 31 January 2024