



**Upper Tribunal
(Immigration and Asylum Chamber)**

Appeal Number: PA/08619/2017

THE IMMIGRATION ACTS

Heard at Birmingham CJC

Decision & Reasons

On 8 November 2018

Promulgated

On 6 December 2018

Before

**DR H H STOREY
JUDGE OF THE UPPER TRIBUNAL**

Between

**REKAR [R]
(ANONYMITY DIRECTION NOT MADE)**

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Mr R Khan, Fountains Solicitors

For the Respondent: Mr C Bates, Home Office Presenting Officer

DECISION AND DIRECTIONS

1. In a decision sent on 20 November 2017 Judge Juss of the First-tier Tribunal (FtT) dismissed the appeal of the appellant, a national of Iran, against the decision made by the respondent on 23 August 2017 refusing his protection claim.
2. My decision on the appellant's grounds can be brief because both parties were in agreement with me that the judge materially erred in law. It is abundantly clear from the evidence before the judge (see e.g. answers to

questions 29, 33, 80, 83, 85 and 93 of the first interview and answers to questions 26, 29 and 32 of the second interview) that the appellant's case had two limbs: a claim based on his political activities in Iran and his father's profile as a Peshmerga; and a sur place claim. Yet the judge's assessment is confined solely to the appellant's sur place claim. As such it represents a failure to take account of material particulars and a failure to make findings on material parts of the appellant's asylum claim. This constitutes a material error of law and causes me to set aside the judge's decision and remit it to be heard de novo by another FtT Judge.

3. To conclude:

The decision is set aside for material error of law.

The case is remitted to the FtT (not before Judge Juss).

No anonymity direction is made.

Signed

Date: 1 December 2018

A handwritten signature in black ink that reads "H H Storey". The signature is written in a cursive style with a large, looped 'S' at the end.

Dr H H Storey
Judge of the Upper Tribunal