



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

Appeal Number: PA/01851/2019

THE IMMIGRATION ACTS

**Heard at Manchester Civil Justice
Centre
On 22nd July 2019**

**Decision & Reasons Promulgated
On 2nd August 2019**

Before

Upper Tribunal Judge Chalkley

Between

**HAMIDREZA [S]
(ANONYMITY DIRECTION NOT MADE)**

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Ms Natalie Wilkins of Counsel

For the Respondent: Mr A Tan, a Senior Home Office Presenting Officer

REASONS FOR FINDING AN ERROR OF LAW

1. The appellant is a citizen of Iran born on 31st December, 1964. He has a lengthy immigration history. He made application for recognition as a refugee and his claim was rejected by the Secretary of State.
2. The appellant subsequently appealed and his appeal came before First-tier Tribunal Judge Mark Davies sitting at Manchester on 27th March, 2017. The judge dismissed the appellant's appeal on asylum grounds and on human rights grounds. Unfortunately, there are material errors of law in Judge

Davies' determination and both Mr Tan and Ms Wilkins were agreed that the determination could not stand.

3. I agree with them. Apart from anything else, the judge failed to make any findings on the new evidence presented to him, namely, that men connected to Sepah were in fact subsequently prosecuted, and medical evidence which it is claimed suggests that the appellant is at risk of suicide on return. The failure to consider these matters is a clear error of law. There are others.
4. The determination is set aside in its entirety. The appellant has not had the benefit of a fair hearing and the matter will therefore be remitted to be heard afresh by a Judge of the First-tier Tribunal, other than First Tier Tribunal Judge Mark Davies. A Farsi interpreter will be required. Four hours was last allowed for the hearing of the appeal. There are potentially 8 [eight] witnesses and four hours should be allowed for the hearing of the appeal.

Richard Chalkley

Upper Tribunal Judge Chalkley

26th July 2019