



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

Appeal Number: PA/03015/2017

**THE IMMIGRATION ACTS**

**Heard at Cardiff Civil Justice Centre  
On 14<sup>th</sup> March 2019**

**Decision & Reasons Promulgated**

**On 11<sup>th</sup> April 2019**

**Before**

**DEPUTY UPPER TRIBUNAL JUDGE LEVER**

**Between**

**SHAHRAMI [A]  
(ANONYMITY DIRECTION NOT MADE)**

Appellant

**and**

**THE SECRETARY OF STATE FOR THE HOME DEPARTMENT**

Respondent

**Representation:**

For the Appellant: Mr S Bass instructed by Duncan Lewis & Co Solicitors  
For the Respondent: Mr C Howells, Senior Home Office Presenting Officer

**DECISION AND REASONS**

**Introduction**

1. The Appellant who claims to be a national of Iran was born on 10<sup>th</sup> October 1993. He was represented by Mr Bass. The Respondent was represented by Mr Howells, a Senior Presenting Officer.

**Substantive Issues under Appeal**

2. The Appellant arrived in the United Kingdom in July 2015 and claimed asylum shortly after arrival. The Respondent had refused the Appellant's

claim on 14<sup>th</sup> March 2017. The Appellant appealed that decision and the appeal had firstly come before First-tier Tribunal Judge Boyes on 9<sup>th</sup> June 2017. He had dismissed the Appellant's appeal at a hearing where the Appellant and his representatives were not present. That decision had been appealed and by reasons promulgated on 4<sup>th</sup> May 2018 Deputy Upper Tribunal Judge Phillips found that a material error of law had been made and directed that the matter was remitted back to the First-tier Tribunal for a de novo hearing.

3. The matter came back before First-tier Tribunal Judge Page sitting at Newport on 21<sup>st</sup> August 2018. The judge had dismissed the Appellant's appeal on all grounds. Application for permission to appeal was made and granted by the First-tier Tribunal on 14<sup>th</sup> November 2018. It was said that it was arguable that the judge had erred when concluding that the Appellant was from Iraq rather than from Iran because he had failed to look at all the available material evidence. Directions were issued for the Upper Tribunal firstly to consider whether an error of law had been made in this case and the matter came before me in accordance with those directions.


### **The Proceedings**

4. I heard submissions on behalf of the Appellant highlighting those areas where it was said the judge had failed to pay regard and had not therefore looked at all the available material evidence when considering that initial point as to the Appellant's nationality.
5. Mr Howells on behalf of the Respondent accepted that the judge had materially erred in law in the manner described within the Grounds of Appeal and within submissions. It was agreed that it was appropriate for this case to be remitted back to the First-tier Tribunal to make the decision afresh in light of those material errors and that the matter should be listed before a First-tier Tribunal Judge other than Judges Page and Boyes.

### **Notice of Decision**

By agreement a material error of law was made in this case by the First-tier Tribunal Judge and I therefore set aside the decision of that Tribunal and direct that the matter proceed to a fresh hearing on all matters before a First-tier Tribunal Judge other than Judge Page or Boyes.

No anonymity direction is made.

Signed 

Date 9/4/19

Deputy Upper Tribunal Judge Lever