



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

Appeal Number: PA/10716/2018

**THE IMMIGRATION ACTS**

**Heard at Bradford  
On 1<sup>st</sup> July 2019**

**Decision & Reasons Promulgated  
On 19<sup>th</sup> July 2019**

**Before**

**DEPUTY UPPER TRIBUNAL JUDGE D E TAYLOR**

**Between**

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

Appellant

**and**

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

Respondent

**Representation:**

For the Appellant: Mr J Greer of Parker Rhodes Hickmotts Solicitors

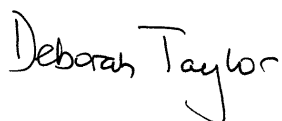
For the Respondent: Mr Diwnycz, HOPO

**DECISION AND REASONS**

1. This is the appellant's appeal against the decision of Judge Mensah made following a hearing at Bradford on 7<sup>th</sup> February 2019.
2. Mr Diwnycz accepted that the decision could not stand.
3. The appellant claimed that he is an Iranian of Kurdish ethnicity who had helped his father in the KDPI cause. The judge found his account of having delivered leaflets for them to be not credible and she dismissed the appeal.

4. Mr Diwnycz accepted that in doing so she did not take into account country guidance case of HB Kurds Iran CG [2018] UKUT 00430 in assessing the plausibility of the appellant's case and the likely treatment which he might face upon a return to Iran which is an error of law.
5. Furthermore he accepted that her credibility findings were unsafe, in that she had failed to give adequate reasons for concluding that the appellant was not illiterate as he claimed and had wrongly applied Section 8 of the 2004 Act in terms of the appellant's travel through Europe and his failure to claim asylum there when he was a minor.
6. Finally the judge did not resolve a dispute between the parties, namely the effect of the appellant's online activity.
7. Her decision is set aside. All parties agreed that the credibility findings would have to be remade and therefore that the appeal should be reheard and remitted in the First-tier Tribunal by a judge other than Judge Mensah.

No anonymity direction is made.



Signed

Date 13 July 2019

Deputy Upper Tribunal Judge Taylor