



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

Appeal Numbers: PA/09533/2019
PA/09511/2019

THE IMMIGRATION ACTS

**Heard at Bradford
On 28 February 2020**

**Decision & Reasons
Promulgated
On 9 March 2020**

Before

UPPER TRIBUNAL JUDGE LANE

Between

**ANNA [I]
MARIA [B]
(ANONYMITY DIRECTION NOT MADE)**

Appellants

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Mr Holmes

For the Respondent: Mr McVeety, Senior Home Office Presenting Officer

DECISION AND REASONS

1. The appellants were born respectively on 4 November 1976 and on 25 March 1996. The first appellant is the mother of the second appellant. They are both citizens of Russia. They appealed to the First-tier Tribunal against a decision of the Secretary of State dated 24 September 2019

refusing their applications for international protection. The First-tier Tribunal, in a decision promulgation on 21 November 2019, dismissed the appeals. The appellants now appeal, with permission, to the Upper Tribunal.

2. Mr McVeety, who appeared for the Secretary of State before the Upper Tribunal at the initial hearing, told me that he did not seek to defend the decision of the First-tier Tribunal. He submitted that, in part, the judge had made findings of fact which were not supported by any reasoning; for example, at [18], the judge stated that he did not 'accept that [the appellants] have satisfied the evidential burden to show that they were subsequently followed and intimidated by the Russian authorities [following their attendance at the demonstration].' The decision is silent as to why the judge did not accept that part of the account of the appellants. Secondly, at [24], the judge stated that 'it is fair to say that the Russian authorities in arresting demonstrators are acting within the scope of Russian law.' Mr McVeety submitted that that observation failed to address the level of ill-treatment which may have occurred during or following arrest; moreover, the fact that conduct may be permitted under Russian law did not necessarily mean that such conduct would not be breach the human rights of the appellants.
3. I agree with the representatives that the decision cannot stand for the reasons articulated in the grounds of appeal and helpfully by Mr McVeety at the initial hearing. I set the decision aside. There will need to be a new fact-finding exercise and that exercise is better conducted in the First-tier Tribunal. Both representatives agreed that I should preserve findings made in the First-tier Tribunal by which the judge accepted parts of the accounts of the appellants. Those findings are to be found at [8-12]. All other findings are set aside. In addition, the grounds of appeal are correct in pointing out that the judge failed to apply the principles of *HJ (Iran)* [2010] UKSC 31; the next Tribunal will also need to address that aspect of the appeal.

Notice of Decision

The decision of the First-tier Tribunal is set aside. The findings of fact by which the judge accepted parts of the account of the appellants and which are set out at [8-12] are preserved. All other findings of fact are set aside. The appeal is returned to the First-tier Tribunal for that Tribunal to remake the decision following a hearing.

Signed

Date 28 February 2020

Upper Tribunal Judge Lane