



**IN THE UPPER TRIBUNAL**  
**IMMIGRATION AND ASYLUM**  
**CHAMBER**

**Case No: UI-2022-002633**  
**First-tier Tribunal No:**  
**PA/50305/2021**  
**IA/01181/2021**

**THE IMMIGRATION ACTS**

**Decision & Reasons Issued:**  
**On the 23rd September 2024**

**Before**

**UPPER TRIBUNAL JUDGE REEDS**

**Between**

**R I**  
**(ANONYMITY ORDER CONTINUED)**

**Appellant**

**and**

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

**Respondent**

Representation:

For the Appellant: Mr G. Brown on behalf of the appellant

For the Respondent : Ms Z. Young, Senior Presenting Officer

**Heard at (IAC) on 13 September 2024**

**DECISION MADE PURSUANT TO RULE 40 OF THE TRIBUNAL PROCEDURE**  
**(UPPER TRIBUNAL) RULES 2008**

1. The appellant appeals with permission against the decision of the First-tier Tribunal Judge (hereinafter referred to as the "FtTJ") who dismissed the appellant's protection and human rights appeal in a decision promulgated on the 31 March 2022 .
2. Permission to appeal that decision was sought and on 30 May 2022 permission was granted by FtTJ Brewer.

Anonymity:

3. The FtTJ did make an anonymity order, and no grounds were submitted during the hearing for such an order to be discharged. Anonymity is granted because the facts of the appeal involve a protection claim.

Rule 14: The Tribunal Procedure(Upper Tribunal) Rules 2008: Unless and until a tribunal or court directs otherwise, the appellant is granted anonymity. No report of these proceedings shall directly or indirectly identify him. This direction applies both to the appellant and to the respondent. Failure to comply with this direction could lead to contempt of court proceedings.

4. The appellant is a citizen of Iraq, who appealed to the First-tier Tribunal ("FtT") against a decision to refuse his protection and human rights claim. His claim was based on his employment in the IKR and that he had come to the adverse attention of his superiors from reporting corruption/criminal activity.
5. In a decision promulgated on 31 March 2022 , the FtTJ dismissed the appeal having made an adverse credibility assessment of his claim. Permission to appeal having been granted by FtTJ Brewer the appeal was listed for hearing. At the hearing of the appeal, Ms Young on behalf of the respondent conceded that the decision of the FtTJ involved the making of material error of law as set out in the appellant's grounds and as summarised by the FtTJ in relation to Ground 2 and the procedural irregularity that related to the evidence central to the account of the appellant and his occupation and profile. Ms Young provided a copy of the hearing note from the file which she had provided to Mr Brown and which both agreed supported the issue raised in ground 2.
6. The parties are in agreement that the decision discloses the making of an error of law and that the adverse credibility findings made upon matters relevant to the appellant's core claim and profile necessarily affected the overall assessment of credibility.
7. In terms of remaking the decision, it is evident that both parties agree that the credibility findings are flawed on the protection claim so that none of the findings of fact are sustainable. Both parties have invited the Upper Tribunal to set aside the decision and in view of the fact finding that is necessary on all parts of the claim both submit that the appeal should properly be remitted to the First-tier Tribunal. I have given careful consideration to the Joint Practice Statement of the First-tier Tribunal and Upper Tribunal concerning the disposal of appeals in this Tribunal and have done so in light of the submissions of the parties. I have considered the issues in the light of the practice statement recited and the recent decision of the Court of Appeal in AEB v SSHD[2022] EWCA Civ 1512 and the decision in Begum [2023] UKUT 46(IAC. ) As to the remaking of the decision I am satisfied that in light of the errors of law identified and the fact findings which will be necessary, the appeal falls within paragraphs

7.2 (a) and (b) of the practice statement. I therefore remit the appeal to the First-tier Tribunal for that hearing to take place.

8. Accordingly I am satisfied that it would in all circumstances be appropriate to set aside the decision in its entirety and for it to be remitted to the First-tier Tribunal to be heard afresh.
9. Rule 40 of the Tribunal Procedure (Upper Tribunal) rules 2008 allows the Upper Tribunal to give a decision orally at a hearing. Rule 40 (3) states that the Upper Tribunal must provide written reasons with a decision notice to each party as soon as reasonably practicable after making a decision which finally disposes of all issues in the proceedings. Rule 40 (3) provides exceptions to the rule if the decision is made with the consent of the parties, or the parties have consented to the Upper Tribunal not giving written reasons. In this case the parties consented to a decision without reasons pursuant to Rule 40(3) of the Tribunal Procedure (Upper Tribunal) Rules 2008. I am satisfied that the parties have given such consent at the hearing.

### **Decision**

10. The decision of the First.-tier Tribunal involved the making of an error on a point of law; the decision is set aside and shall be remitted to the First-tier Tribunal to be heard afresh at Bradford IAC with a Kurdish Sorani interpreter.

Upper Tribunal Judge Reeds  
Upper Tribunal Judge Reeds

13 September 2024