



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

Case No: UI-2022-003783

First-tier Tribunal Nos:  
PA/54691/2021

**THE IMMIGRATION ACTS**

**Decision & Reasons Issued:**

On 9<sup>th</sup> of July 2024

**Before**

**UPPER TRIBUNAL JUDGE RINTOUL**

**Between**

**ZBR**  
**(ANONYMITY ORDER MADE)**

Appellant

**and**

**The Secretary of State for the Home Department**

Respondent

**DECISION AND REASONS**

1. On 19 October 2022 I gave the following directions:-
  1. I have read the grounds of appeal, the grant and the decision under challenge. I have also read the Rule 24 letter from the Respondent in which it is accepted that the decision did involve the making of an error of law such that none of the findings made by the First-tier Tribunal can be sustained; and, that the appeal should be remitted to the First-tier Tribunal on that basis.
  2. In the circumstances, it is my preliminary view that the decision did involve the making of an error of law, as submitted, and that it should be set aside in its entirety and remitted to the First-tier Tribunal to be reheard

3. Accordingly, unless within **ten working days** of the issue of these directions there is any written objection to this course of action, supported by cogent argument, the Upper Tribunal will proceed to allow the appeal without an oral hearing on the basis set out above, set aside that the decision of the First-tier Tribunal and remit it to the First-tier Tribunal

In the absence of a timely response by a party, it will be presumed that it has no objection to the course of action proposed.

2. There has been no response to these directions by either party. Accordingly, I am satisfied that neither party objects to the matter being determined without a hearing and has nothing further to say. I am satisfied that that the determination of the First-tier Tribunal did involve the making of an error of law for the reasons set in the grounds of appeal. I am satisfied also that the concession by the respondent was properly made, and having considered the matter for myself, I conclude that the grounds are made out and that the decision must therefore be set aside not least for a failure to apply relevant country guidance.
3. In the circumstances, where none of the findings can be sustained and the assessment of credibility was fundamentally flawed, I am satisfied that the appeal must be remitted to the First-tier Tribunal.

### **Summary of conclusions**

1. The determination of the First-tier Tribunal did involve the making of an error of law and I set it aside.
2. I remit the appeal to the First-tier Tribunal for a fresh decision on all issues to be heard by a judge other than Judge French.
3. A Kurdish Sorani interpreter will be required.

Signed

Date: 3 July 2024

Jeremy K H Rintoul  
Judge of the Upper Tribunal