



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

Appeal Number: PA/10757/2019 (P)

THE IMMIGRATION ACTS

**Decided under rule 34
On 14 July 2020**

**Decision & Reasons Promulgated
On 28 July 2020**

Before

UPPER TRIBUNAL JUDGE LANE

Between

**HJR
(ANONYMITY DIRECTION MADE)**

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

DECISION AND REASONS (P)

1. The appellant was born in 1981 in Iran of which country he is a citizen. The appellant claims to have arrived United Kingdom in September 2015. His claim for asylum was refused and he appealed but his appeal was dismissed. He became appeal rights exhausted on 2 February 2017. He lodged further submissions which led to a further refusal by the respondent of his claim for asylum. The appellant appealed to the First-tier Tribunal which, in a decision promulgated on 28 January 2020, dismissed the appeal. The appellant now appeals, with permission, to the Upper Tribunal.
2. This appeal has been affected by the arrangements brought in as a consequence of the Covid-19 emergency. Upper Tribunal Judge Allen issued directions on 12 May 2020 indicating that the Upper Tribunal had taken the provisional view that matters of error of law/the setting aside of the First-tier Tribunal decision may be dealt with appropriately without a

hearing. Both parties have responded to those directions and the appeal is been put before me for determination.

3. Both parties unequivocally agree that the First-tier Tribunal erred in law, in particular by failing to make any or any proper consideration of the appellant's *sur place* activities in the United Kingdom. Both parties agree that the decision should be set aside and the appeal returned to the First-tier Tribunal. Having considered the representations of both parties having read the file carefully, I agree. There will need to be further fact-finding particular in relation to the appellant's *sur place* activities. Such fact-finding is more appropriately carried out at a hearing before the First-tier Tribunal rather than the Upper Tribunal.
4. I therefore set aside the First-tier Tribunal decision. The appeal is returned to the First-tier Tribunal for that tribunal to remake the decision at or following a hearing *de novo*.

Notice of Decision

The decision of the FTT are set aside. None of the findings of fact shall stand. The appeal is returned to the First-tier Tribunal (not Judge French; 1.5 hours; Kurdish Sorani interpreter) for that tribunal to remake the decision at or following a hearing *de novo*.

Signed

Date 14 July 2020

Upper Tribunal Judge Lane

Direction Regarding Anonymity - Rule 14 of the Tribunal Procedure (Upper Tribunal) Rules 2008

Unless and until a Tribunal or court directs otherwise, the appellants are granted anonymity. No report of these proceedings shall directly or indirectly identify them or any member of their family. This direction applies both to the appellants and to the respondent. Failure to comply with this direction could lead to contempt of court proceedings.