

1. The appellant is a male citizen of Iran. At the initial hearing in the Upper Tribunal, the representatives of both parties told me that they were agreed that the First-tier Tribunal had erred in law as regards its analysis of the issue of the appellant's *sur place* activities in the United Kingdom. The findings of the Tribunal at [8-14] and [18-19] that the appellant's account of involvement with the Workers Communist Party (WCP) have not been challenged.
2. I agree that the First-tier Tribunal's decision is legally flawed for the reason agreed by the parties. Accordingly, I set aside the decision. The Tribunal's findings as regards the credibility of the appellant's account of past events in Iran and his claimed involvement with the WCP shall stand. The only issue remaining to be determined by the newly constituted First-tier Tribunal (to which the appeal is now returned) is that of *sur place* activity and the risk to which that activity may expose the appellant if returned to Iran.

Notice of Decision

The decision of the First-tier Tribunal is set aside. The appeal is returned to the First-tier Tribunal for that Tribunal to remake the decision following a hearing. The Tribunal's findings regarding the credibility of the appellant's account of past events in Iran and his claimed involvement with the WCP shall stand. The only issue remaining to be determined by the newly constituted First-tier Tribunal (to which the appeal is now returned) is that of *sur place* activity and the risk to which it may expose the appellant if returned to Iran. The parties may rely upon new evidence provided copies of any documentary evidence (including witness statements) are sent to the other party and to the First-tier Tribunal no less than 10 days prior to the next hearing.

Listing instructions: List for hearing in First-tier Tribunal; Not before Judge Shergill; Manchester; first available date; First-tier Tribunal to determine whether remote or face to face hearing; Kurdish Sorani interpreter; Listing to liaise with Ms Smith's clerk (tel: [~]) when fixing hearing date.

Signed
2021
Upper Tribunal Judge Lane

Date 31 March

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.