



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

Appeal Number: PA/10477/2019

THE IMMIGRATION ACTS

**Heard at Field House
On 8 December 2020**

**Decision & Reason
Promulgated
On 16 December 2020**

Before

UPPER TRIBUNAL JUDGE GLEESON

Between

**A E (IRAN)
[ANONYMITY ORDER MADE]**

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation

For the appellant:

For the respondent:

Presenting Officer

In person, with the assistance of a Farsi interpreter

Ms Rhona Petterson, Senior Home Office

DECISION AND DIRECTIONS

Anonymity order

Pursuant to Rule 14 of the Tribunal Procedure (Upper Tribunal) Rules 2008 (SI 2008/269) The Tribunal has ORDERED that no one shall publish or reveal the name or address of A E who is the subject of these proceedings or publish or reveal any

information which would be likely to lead to the identification of him or of any member of his family in connection with these proceedings.

Any failure to comply with this direction could give rise to contempt of court proceedings.

Decision and directions

1. The appellant appeals with permission against the decision of the First-tier Tribunal dismissing his appeal against the respondent's decision to refuse him refugee status under the 1951 Convention, humanitarian protection, or leave to remain in the United Kingdom on human rights grounds.
2. The appellant is an Iranian citizen, of Kurdish ethnicity. His claim is based on a risk generated by the Iranian authorities' knowledge of his leafleting activities for the KDPI. The same claim was advanced by his brother, whose appeal was dismissed by the First-tier Tribunal (PA/06072/2019) on 20 August 2019.
3. When granting permission to appeal, First-tier Judge Keane stated that the appellant's self-drafted grounds of appeal were no more than a disagreement with the outcome of the First-tier Tribunal decision. However, as the appellant had been unrepresented before the First-tier Tribunal, she considered for herself whether there were any *Robinson* obvious errors which might be properly arguable.
4. The Judge identified the following arguable errors of law in the First-tier Judge's decision:
 - (1) That the First-tier Judge's decision as to the reliability of the arrest warrant produced by the appellant to support his claim was unsound, given that the appellant had failed to produce in evidence a document verification report which he had obtained;
 - (2) That the judge, having accepted that the appellant had experienced difficulty in finding legal advisers, 'introduced too high a burden of diligence' on him as an unrepresented appellant;
 - (3) That it was not open to the First-tier Judge to find the appellant to be evasive and his account to lack credibility, given that he had not put to the appellant the respondent's credibility concerns as set out in the refusal letter, but had nevertheless relied on them in his decision; and that
 - (4) Overall, the judge's assessment was 'redolent of a distinct air of incredulity' and his factual findings were perverse and contrary to the evidence before him.
5. To this I add that the judge failed to direct himself properly and to treat the brother's First-tier Tribunal decision as the *Devaseelan* starting point when assessing the appellant's parallel account.

6. There is arguable merit in grounds (1), (3) and (4). Ground (2) is weaker but at least arguable. At the hearing today, Ms Petterson accepted that the decision of the First-tier Tribunal was inadequately reasoned, arguably perverse, and could not stand.
7. The appeal is therefore remitted to the First-tier Tribunal (Nottingham hearing centre if possible) for remaking afresh, with no findings of fact or credibility preserved.

DECISION

8. For the foregoing reasons, my decision is as follows:

The making of the previous decision involved the making of an error on a point of law.

I set aside the previous decision. The decision in this appeal will be remade in the First-tier Tribunal on a date to be fixed.

Signed [Judith AJC Gleeson](#)
Upper Tribunal Judge Gleeson

Date: 8 December 2020