



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

Appeal Number: AA/07075/2015

**THE IMMIGRATION ACTS**

**Heard at Bradford  
On 19<sup>th</sup> November 2015**

**Decision & Reasons Promulgated  
On 4<sup>th</sup> January 2016**

**Before**

**UPPER TRIBUNAL JUDGE ROBERTS**

**Between**

**MR MOHAMMAD MEHRABI**  
(ANONYMITY DIRECTION NOT MADE)

Appellant

**and**

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

Respondent

**Representation:**

For the Appellant: Mr A Siddique Solicitor of Parker Rhodes Hickmotts Solicitors

For the Respondent: Mrs R Pettersen, Home Office Presenting Officer

**DECISION AND REASONS**

1. The Appellant a citizen of Iran (born 24<sup>th</sup> July 1985) appeals with permission against the decision of a First-tier Tribunal which in a decision promulgated on 16<sup>th</sup> July 2015 dismissed his appeal against the Respondent's decision of 30<sup>th</sup> March 2015 refusing to grant him asylum, Humanitarian Protection and refusing his human rights claims.
2. The Appellant's claim to asylum was based on his claimed political activities as a supporter of a little known political group in Iran called Eslah

Taleban Khate Sevom (ETKS). The claim is that ETKS is a pro-reform group which is perceived as engaging in or supporting anti-government activities.

3. At the hearing before the FtT, the Appellant relied in part upon a report from a Country Expert, Dr Kakhki who reported on the existence of this group and in doing so specifically referred to a CNN News report confirming the group's existence. Dr Kakhki also provided references for information about the group taken from Farsi websites and referenced this in footnotes to his report.
4. The FtT in an otherwise carefully constructed decision found that it comprehensively disbelieved the Appellant's claim to be a supporter of ETKS. However at [10] the FtT went on to say:

“Claimed political activities. The appellant claimed to support and to be active in a little-known political group by the name of Eslah Taleban Khate Sevom. I was pointed to no credible English language information about the group, not even in the expert's report appended to the appellant bundle. The report mentioned there being only a few news items in English about it, yet its author submitted no supporting information or references. He also stated that there were a great number of references in the Farsi language, yet submitted not a single translation. I cannot be satisfied as to the existence of this group. This apart, I have numerous concerns about the appellant's general credibility, along with his proclaimed role and motivation in this group.”

The FtT went on to dismiss the appeal.

### **UT Hearing/Error of Law**

5. Having heard submissions from both representatives, I am satisfied that the FtT's decision must be set aside, for the following reasons. The FtT In analysing the evidence before him the FtT Judge comprehensively disbelieved the Appellant's account of his claimed political activities. Good reasons were given for that disbelief and had the Judge confined itself to simply giving those reasons then the outcome of this appeal may well have been different.
6. However he went on to make a finding that he could not be satisfied as to the existence of ETKS. There was no analysis of the references in Dr Kakhki's report which provided sourced information about the group. The Respondent herself in her refusal letter at [22] and [27] accepted that the Appellant's knowledge of the movement was consistent with someone who had supported it and was involved in it. None of that evidence appears to feature and weigh into the finding made that the group does not exist.
7. That is an error on the part of the FtT and it is a material one because the issue of membership of this political group is central to the Appellant's case. It is conceivable that the error taints the whole of the factual matrix upon which the FtT based its decision on credibility. In these circumstances I find there is no alternative but to set aside the FtT's

decision. There will have to be a full re-hearing with all issues at large. Since full fact finding is necessary it is appropriate that the matter is remitted to the First-tier Tribunal for the matter to be determined afresh.

**Decision**

8. The Appellant's appeal is allowed, the decision of the First-tier Tribunal is set aside and the appeal remitted for the decision to be re-made by a Judge other than Judge MJH Wilson.

No anonymity direction is made

**Signature**

Judge of the Upper Tribunal

**Dated**