



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

Appeal Number: PA/08825/2018

**THE IMMIGRATION ACTS**

**Field House**

**On 8 November 2018**

**Decision & Reasons  
Promulgated**

**On 15 November 2018**

**Before**

**UPPER TRIBUNAL JUDGE PITT**

**Between**

**DABAN [K]  
(ANONYMITY DIRECTION NOT MADE)**

Appellant

**and**

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

Respondent

**DECISION AND REASONS**

1. This is an appeal against the decision dated 22 August 2018 of First-tier Tribunal Judge Geraint Jones QC which refused a protection and Article 8 ECHR appeal.
2. The appellant is a national of Iraq, born on 6 September 1989.
3. The appellant's claim was that he was at risk from [MS], an influential individual in Iraq. The appellant worked as an immigration officer and Mr [S] had directed him to let through a person on a "watch" list. The appellant did not do so and the individual was detained. Mr [S] then threatened the appellant and used his influence to arrange for the authorities to seek to arrest the appellant.

4. The appellant challenged the decision of the First-Tier Tribunal on the basis of a number of material errors of fact. The errors of fact included the decision failing to take account of specific evidence from the appellant as to how he knew the identity of someone who called his mobile telephone and threatened him and the appellant not following Mr [S]'s request to let an individual pass through immigration unhindered. The appellant maintained that the decision was also in error in failing to recognise that certain events had occurred after he came to the UK and so after his screening interview so he could not have raised additional reasons for needing protection earlier.
5. It was conceded for the respondent at the hearing before me, notwithstanding that the appellant did not have a good immigration history, admitting that he had previously made a false claim for protection, that the adverse findings of the First-Tier Tribunal on these points were not sustainable. Further, as these errors went to the core of the credibility findings, the decision should be set aside entirely to be re-made *de novo* in the First-Tier Tribunal.
6. That concession was in line with my own view of the merits of the grounds and correct disposal of the appeal on re-making.
7. The Upper Tribunal finds that the decision of the First-Tier Tribunal discloses a material error on a point of law and sets it aside to be re-made *de novo* in the First-Tier Tribunal.

### **Notice of Decision**

The decision of the First-tier Tribunal discloses an error on a point of law and is set aside to be remade *de novo* in the First-tier Tribunal.

Signed: 

Date: 8 November 2018

Upper Tribunal Judge Pitt