



Upper Tribunal
(Immigration and Asylum Chamber)

Appeal Number: PA/09967/2016

THE IMMIGRATION ACTS

Heard at Field House
On 17 July 2018

Decision & Reasons Promulgated
On 26 July 2018

Before

THE HONOURABLE MR JUSTICE LEWIS
UPPER TRIBUNAL JUDGE KEBEDE

Between

HAIDER [M]
(ANONYMITY DIRECTION NOT MADE)

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Miss J Bond, Counsel instructed by Leonard Canning Solicitors

For the Respondent: Ms Z Ahmad, Home Office Presenting Officer

DECISION AND REASONS

1. This is an appeal against the decision of the First-tier Tribunal, Judge Chana, promulgated on 27 July 2017. The appellant is an Iranian national. He came to the United Kingdom and claimed asylum and humanitarian protection. That claim was refused by the Secretary of State for the Home Department and there was an appeal.
2. In the course of the appellant's decision at paragraph 79 an issue arose as to whether or not the Iranian authorities had blocked access to websites in Iran and the judge

considered that was not the case and that that matter affected the credibility of the appellant's claim as to what information he had given to his sister. That forms ground 1 of the notice of appeal where it is said that the First-tier Tribunal erred by basing key findings on speculation without any evidential foundation.


3. Permission was granted on all grounds but the judge granting permission noted in particular that it was arguable that there was no evidential basis upon which the judge could have presumed that the Iranian authorities had blocked access to websites.
4. Both parties are now in a position where they agree that there was an error on the part of the Tribunal below. They both agree that the appeal should be allowed, the decision set aside and the matter remitted to the First-tier Tribunal for reconsideration.

Notice of Decision

5. We therefore allow the appeal, set aside the decision and remit the matter to the First-tier Tribunal.
6. No anonymity direction is made.

Signed

Date: 20 July 2018

PP 
Mr Justice Lewis