



IAC-AH-CO-V1

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

Appeal Number: PA/05324/2016

THE IMMIGRATION ACTS

Heard at Manchester

**On 18th September, 2017
and given ex tempore. Sent
to Promulgation on 22nd
September 2017**

**Decision & Reasons
Promulgated
On 25th September, 2017**

Before

Upper Tribunal Judge Chalkley

Between

**SARHANG MUHAMMED AHMED
(ANONYMITY DIRECTION NOT MADE)**

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Mr Nicholson of Counsel, instructed by Bolton Citizens' Advice Bureau

For the Respondent: Mr Diwyncz, Home Office Presenting Officer

REASONS FOR FINDING AN ERROR OF LAW

1. The appellant was born on 6 August 1995 and is a citizen of Iran.
2. He entered the United Kingdom on 5 November 2015, and claimed asylum on his arrival. His claim for asylum was refused by the Secretary of State on 18th May, 2016.
3. The appellant appealed to the First-tier Tribunal and his appeal was heard by First-tier Tribunal Judge Alis on 22nd December 2016, at Manchester. The judge dismissed the appellant's asylum appeal, humanitarian protection appeal and human rights appeal.
4. At the outset of the hearing, the appellant's Counsel indicated to the judge that the appellant would not be giving evidence since his doctor had advised him that he was a vulnerable witness. The grounds assert that when making findings on the appellant's age, at paragraphs 45 to 50 of the determination, the First-tier Tribunal failed to take into account the role the appellant's vulnerability as accepted at paragraphs 55 to 57 played in the age assessment, but was accepted. It was also suggested that it was arguable that the First-tier Tribunal failed to apply country guidance to the facts of the particular case and consider the risk on return particularly in the light of questioning of the appellant given his particular characteristics and his accepted vulnerabilities, after the judge had accepted his illegal departure from the round.
5. I indicated to the representatives that having read the papers earlier, I was of the initial view that the determination could not stand. I emphasised that this was only a preliminary view and that I was prepared to be persuaded otherwise. Mr Diwyncz indicated to me that the determination could not stand, given the failure of the judge to consider country guidance and the risk to him on return to Iran, given that the judge accepted the appellant's illegal exit. I am grateful to him.
6. The determination is set aside in its entirety. I remit the appeal to hearing afresh by a First-tier Tribunal Judge other than First-tier Tribunal Judge Alis. Were I to retain the appeal in the Upper Tribunal and reserve it to myself it might take months to come before me again. A Kurdish Sorani interpreter is required and three hours should be allowed to the hearing of the appeal.

Richard Chalkley
A Judge of the Upper Tribunal