



**Upper Tribunal  
(Immigration and Asylum Chamber)  
PA/13177/2016**

**Appeal Number:**

**THE IMMIGRATION ACTS**

**Heard at Field House**

**Decision & Reasons**

**On 7<sup>th</sup> June 2017**

**Promulgated**

**On 28<sup>th</sup> June 2017**

**Before**

**DEPUTY UPPER TRIBUNAL JUDGE R C CAMPBELL**

**Between**

**MR E N**

**(ANONYMITY DIRECTION MADE)**

**Appellant**

**and**

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

**Respondent**

**Representation:**

For the Appellant: Ms H Short (Counsel)

For the Respondent: Mr T Wilding (Senior Home Office Presenting Officer)

**DECISION AND REASONS ON ERROR OF LAW**

1. The appellant's appeal against a decision to refuse his protection claim was dismissed by First-tier Tribunal Judge Callow ("the judge") in a decision promulgated on 8<sup>th</sup> February 2017. The judge found that he would not be at any real risk on return to Iran. A First-tier Tribunal Judge refused permission to appeal but, following a renewed application, permission was granted by a Deputy Upper Tribunal Judge on 19<sup>th</sup> April 2017. She found that there was merit in the contention that the judge did not properly engage with the evidence and that it was hard to see from the decision what the reasons were behind the overall conclusion that the appellant did not impress as a credible witness.

2. At the outset, Mr Wilding said that the Secretary of State accepted that the decision was not sustainable and should be set aside. At paragraph 12, where the judge found broadly that the appellant was not a credible witness, there appeared a list of facts but no accompanying reasoning or analysis. For example, it was not clear how the judge had weighed completion of the Alpha course and the appellant's baptism in finding that these were not determinative of the appellant's faith. No reasons were given for the conclusion that the appellant's evidence was self-serving and in relation to Section 8 of the 2004 Act, there was insufficient to show why the judge gave as much weight as he clearly did to the delay in claiming asylum and the appellant's presence in Greece.
3. Ms Short agreed with Mr Wilding's analysis.
4. Having read the decision carefully, I conclude, having taken into account the parties' agreement, that the decision should be set aside and remade as the absence of sufficient reasons showing how the judge reached his overall conclusions amounts to an error of law.
5. The decision will be remade in the First-tier Tribunal, which is clearly the appropriate venue in the circumstances. A Farsi interpreter will be required. The hearing will be de novo and no findings of fact are preserved. The appeal will be heard by a First-tier Tribunal Judge other than Judge Callow.

### **Notice of Decision**

The decision of the First-tier Tribunal is set aside as containing an error of law.

The decision will be remade in the First-tier Tribunal at Taylor House, before a judge other than First-tier Tribunal Judge Callow.

A Farsi interpreter will be required.

The hearing will be de novo with no findings of fact preserved.

Signed

Date 28 June 2017

Deputy Upper Tribunal Judge R C Campbell

### **ANONYMITY**

The anonymity direction made by the First-tier Tribunal shall continue in force until set aside or varied by a Tribunal or a court.

Signed

Date 28 June 2017

Deputy Upper Tribunal Judge R C Campbell