



Upper Tribunal
(Immigration and Asylum Chamber)

Appeal Number: PA/01471/2017

THE IMMIGRATION ACTS

Heard at Field House
On 3 April 2019

Decision & Reasons Promulgated
On 16 April 2019

Before

DEPUTY UPPER TRIBUNAL JUDGE HUTCHINSON

Between

MR ALAN AHMEDI
(ANONYMITY DIRECTION NOT MADE)

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Mr R Spurling, Counsel instructed by Barnes Harrild & Dyer
Solicitors
For the Respondent: Mrs J Isherwood, Senior Home Office Presenting Officer

DECISION AND REASONS

1. At an error of law hearing on 17 January 2018 this Tribunal found an error of law in the decision of First-tier Tribunal Judge Abebrese (promulgated on 11 May 2017) to dismiss the appellant's appeal on all grounds. The appellant, an Iranian citizen was born on 28 July 1996 and had appealed to the First-tier Tribunal against a decision of the respondent, dated 27 January 2017, to refuse his protection claim. The error of law decision is appended to this decision.
2. That decision found that the First-tier Tribunal had erred in its approach to the appellant's sur place activities. The findings of the First-tier Tribunal, including at paragraph 22 of Judge Abebrese's decision, that the appellant had no genuine

political opinions and that his claims in relation to the Peshmerga was not credible were preserved.

3. In the interim, the Upper Tribunal has promulgated the country guidance decision of **HB (Kurds) Iran CG [2018] UKUT 00430 (IAC)**.
4. It was agreed by the parties before me that no further oral evidence was required and the hearing proceeded by way of detailed submissions. Those submissions are set out in full in the Record of Proceedings. At the end of the hearing I reserved my decision which I now give.
5. The Upper Tribunal in **HB** provided as follows as summarised in the headnote:

- “(1) SSH and HR (illegal exit: failed asylum seeker) Iran CG [2016] UKUT 308 (IAC) remains valid country guidance in terms of the country guidance offered in the headnote. For the avoidance of doubt, that decision is not authority for any proposition in relation to the risk on return for refused Kurdish asylum-seekers on account of their Kurdish ethnicity alone.
- (2) Kurds in Iran face discrimination. However, the evidence does not support a contention that such discrimination is, in general, at such a level as to amount to persecution or Article 3 ill-treatment.
- (3) Since 2016 the Iranian authorities have become increasingly suspicious of, and sensitive to, Kurdish political activity. Those of Kurdish ethnicity are thus regarded with even greater suspicion than hitherto and are reasonably likely to be subjected to heightened scrutiny on return to Iran.
- (4) However, the mere fact of being a returnee of Kurdish ethnicity with or without a valid passport, and even if combined with illegal exit, does not create a risk of persecution or Article 3 ill-treatment.
- (5) Kurdish ethnicity is nevertheless a risk factor which, when combined with other factors, may create a real risk of persecution or Article 3 ill-treatment. Being a risk factor it means that Kurdish ethnicity is a factor of particular significance when assessing risk. Those “other factors” will include the matters identified in paragraphs (6)-(9) below.
- (6) A period of residence in the KRI by a Kurdish returnee is reasonable likely to result in additional questioning by the authorities on return. However, this is a factor that will be highly fact-specific and the degree of interest that such residence will excite will depend, non-exhaustively, on matters such as the length of residence in the KRI, what the person concerned was doing there and why they left.
- (7) Kurds involved in Kurdish political groups or activity are at risk of arrest, prolonged detention and physical abuse by the Iranian authorities. Even

Kurds expressing peaceful dissent or who speak out about Kurdish rights also face a real risk of persecution or Article 3 ill-treatment.

- (8) Activities that can be perceived to be political by the Iranian authorities include social welfare and charitable activities on behalf of Kurds. Indeed, involvement with any organised activity on behalf of or in support of Kurds can be perceived as political and thus involve a risk of adverse attention by the Iranian authorities with the consequent risk of persecution or Article 3 ill-treatment.
 - (9) Even 'low-level' political activity, or activity that is perceived to be political, such as, by way of example only, mere possession of leaflets espousing or supporting Kurdish rights, if discovered, involves the same risk of persecution or Article 3 ill-treatment. Each case however, depends on its own facts and an assessment will need to be made as to the nature of the material possessed and how it would be likely to be viewed by the Iranian authorities in the context of the foregoing guidance.
 - (10) The Iranian authorities demonstrate what could be described as a 'hair-trigger' approach to those suspected of or perceived to be involved in Kurdish political activities or support for Kurdish rights. By 'hair-trigger' it means that the threshold for suspicion is low and the reaction of the authorities is reasonably likely to be extreme."
6. Ms Isherwood helpfully took the Tribunal through all the existing relevant country guidance case law on Iran. As highlighted in the headnote above, SSH and HR remains valid. It was Ms Isherwood's global submission, applying the case law, given the limited extent of this appellant's activities (and Ms Isherwood questioned how widely his Facebook posts were disseminated) the appellant's activities would not be sufficient to activate the 'hair-trigger' approach of the Iranian authorities.
 7. In summary it was Mr Spurling's submission that the appellant, whom it was not specifically disputed before me has, for reasons of bolstering his asylum claim, made Facebook posts whilst in the UK, would fall into the risk category, on the facts of his own case and would be perceived to be political, notwithstanding the Tribunal's preserved finding that he held no such political opinions and notwithstanding the reasons for which he had posted that material and Mr Spurling drew my attention to material which supported such a conclusion.
 8. Mr Spurling relied in particular on the expert evidence considered by the Tribunal in HB that of Enayat and Professor Emile Joffè and the Tribunal in HB, at paragraph 42, had no hesitation in accepting the expertise of the experts whilst indicating at 44 that that did not mean that they were bound to accept every aspect of the experts' evidence and where they had not done so they explained why and there were several aspects of Professor Joffè's report in particular that were not accepted including that all Kurds were at risk of persecution.
 9. I accept that HB confirms, that all Kurds face a reasonable likelihood of heightened scrutiny on return particularly in the context of the fact that since 2016 the Iranian

authorities have become increasingly sensitive and suspicious about Kurdish political activity. At paragraph 50 of **HB** the Tribunal highlight the importance of the consistent evidence of both experts, supported by the background evidence, about the heightened tensions in Iran in security terms and in relation to those of Kurdish ethnicity.

10. Although the mere fact of being a Kurdish returnee would not in itself lead to persecution, I have taken into account that the appellant's Kurdish ethnicity is a risk factor which must be assessed in the round in the appellant's particular circumstances. It was not disputed before me that this appellant would be returning without a passport (the appellant having entered the UK clandestinely). Notwithstanding the appellant's lack of credibility generally, including given the lack of dispute I accept to the lower standard that he would be returning without a passport. Although **SB (risk on return - illegal exit) Iran CG [2009] UKAIT 00053** confirmed that illegal exit is not in itself a significant risk factor, it could be a factor adding to risk if a person otherwise faces difficulties.
11. As recognised in current country guidance including **SSH and HR** and confirmed in **HB** a returned without a passport such as the appellant is likely to be questioned on return. Paragraph 23 of **SSH and HR** highlighted that a failed asylum seeker will be questioned and that 'if there are particular concerns arising from their previous activities either in Iran or in the United Kingdom or whichever country they are returned from, then there would be a risk of further questioning, detention and potential ill-treatment'.
12. I am satisfied to the lower standard that the appellant's return would lead to questioning about the content of the appellant's asylum claim. I must then decide the impact, if any of the appellant's Facebook activity whilst in the UK.
13. In relation to internet activity specifically the Tribunal in **HB** was clear, at paragraphs 81 and 82, that although guidance was requested on behalf of that appellant, to the effect that a risk of persecution arose where an individual was involved in the making, reposting or otherwise publicising critical comments, insulting, satirical etc. comments about Islam, Islamic religious figures, the Quran, Iran's policies or regime members, online on social media networks whether in Iran or abroad, the Tribunal concluded that such proposed guidance was "way outside the scope of the case before us and in any event is far too widely drawn." The Tribunal continued that although there was evidence regarding the potential risk for those whose internet activity/social media may attract adverse attention and authorities that was not a matter in which the parties or experts engaged with in relation to the giving of country guidance and the Tribunal took the view that such consideration was likely to require some tactical evidence and such was not before the Tribunal.
14. Social media however was relevant to that particular appellant's case in **HB** and it was considered in that context. In applying the country guidance case law and in considering that social media is relevant on the particular facts of this appellant's case, I have followed the same approach.

15. In doing so I have reminded myself that the reported case of **AB & Others (internet activity – state of evidence) Iran [2015] UKUT 00257 (IAC)** including as referred to in the appended error of law decision is not a country guidance case and I have reminded myself that the evidence considered by the Upper Tribunal in that case therefore must not be given any particular weight in the case before me as country guidance cases only are exceptions to the general Rule evidence and one case cannot be relied in another case (see including **AM (Iran) [2018] EWCA Civ 2706**).
16. I have taken into consideration that although the appellant is clearly, and has clearly continued to do so since the error of law hearing, making Facebook posts in order to bolster his asylum claim, I rely on what I have said already in the error of law decision that does not obviate the need to consider the risk, if any that that puts the appellant at on return.
17. There were further posts provided for the Upper Tribunal hearing (and there was no objection by Ms Isherwood to the Rule 15(2A) application). The evidence relates to material not in existence at the time of the First-tier Tribunal and I accept that there has been no unreasonable delay in producing it. The evidence is potentially of significance to the appellant's claim and having considered the relevant procedural rule I admitted it into evidence.
18. The new evidence included various photographs and comments made by the appellant and shared by him on Facebook including satirical comments and other posts including a post of the appellant attending a demonstration. Contrary to Ms Isherwood's submissions, it is evident that the photographs and posts shared, are supportive of the Democratic Party of Iranian Kurdistan and are plainly very critical of the Iranian regime including sharing for example a photograph where it is written 'Iran is the state of execution' and 'down with the dictatorial regime of Iran'. Photographs shared include one where the Iran flag is used a toilet paper and a photograph showing an Iranian leader with a superimposed pig's nose. I take into consideration that all the posts show a globe symbol and I accept to the lower standard that this indicates that the posts are publically available (although for the reasons set out below such is not determinative).
19. Whilst Mr Spurling conceded that the activity itself was relatively low level, I agree that is not the level of the activity (or the level of its dissemination) which might give rise to a risk to the appellant.
20. I have taken into consideration that there was considerable background evidence including as relied on in the country guidance cases about routine airport checks which involve risks and checks including on Facebook activity. I take into consideration that the summary of the expert evidence in **HB** indicated that the authorities would ask about and check Facebook material and that the experts were of the view that this extended to asking people about the contents of their asylum claim and that people could not escape the risk of persecution even if they said that their claim was based on lies. That is consistent with what was said in the country guidance case of **BA (Demonstrators in Britain – risk on return) Iran CG [2011] UKUT 36 (IAC)** at paragraph 65, that whilst it may well be that an appellant's

participation in demonstrations is opportunistic the evidence suggests it is not likely to be a major influence on the perception of the regime and this finding was endorsed by the expert witnesses in **HB**.

21. Although this appellant may have made an opportunistic claim, the nature and content of the posts that he has continually reposted and displayed, rather than the extent of the exposure, creates a risk. The expert evidence annexed in **HB** which at paragraph 7 of that decision, the Upper Tribunal confirmed was “essential to the full understanding of this decision that full reference is made to the summarised expert evidence” indicates that the Iranian authorities have a particular interest in Facebook and that merely sharing and liking posts on social media is risky.
22. I accept that this is the case and that there is a real risk, given the appellant’s Kurdish ethnicity and return without a passport, that the questioning at the airport will result in the appellant having to reveal his Facebook details. I am further satisfied that this will engage the authorities ‘hair-trigger’ approach in relation to their suspicion, however misplaced, that the appellant is involved in Kurdish political activities and/or supports Kurdish rights which will put the appellant at real risk of further questioning/imprisonment which will put the appellant at real risk of persecution.
23. I find that in these circumstances, the appellant has a well-founded fear of persecution in Iran on account of his imputed political opinion and.

Humanitarian Protection

24. As I have found that the appellant is a refugee, he cannot qualify for humanitarian protection. If I am wrong as to the Convention reason, I find, for the reasons given, the appellant would face a real risk of suffering serious harm and is unable, or owing to such risk unwilling, to avail himself of the protection of that country.

Human Rights

25. As I have found the appellant has established substantial grounds for believing that he would face a real risk of serious harm if returned to Sudan, by analogy I find his claim engages articles 2 and 3 of the European Convention on Human Rights.

Decision

26. The appeal is allowed on asylum grounds.
27. I make no finding under the Qualification Directive.
28. The appeal is allowed on Human Rights grounds (Articles 2 and 3).
29. The decision of the First-tier Tribunal contains an error of law and is set aside. I remake that decision allowing the appellant’s appeal.

No anonymity direction was sought or is made.

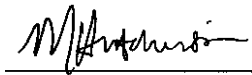
Signed 

Dated: 15 April 2019

Deputy Upper Tribunal Judge Hutchinson

TO THE RESPONDENT
FEE AWARD

No fee was paid or payable so no fee award is made.

Signed 

Dated: 15 April 2019

Deputy Upper Tribunal Judge Hutchinson

APPENDIX



Upper Tribunal
(Immigration and Asylum Chamber)

Appeal Number: PA/01471/2017

THE IMMIGRATION ACTS

Heard at Field House
On 17 January 2018

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Before

DEPUTY UPPER TRIBUNAL JUDGE HUTCHINSON

Between

MR ALAN AHMEDI
(ANONYMITY DIRECTION NOT MADE)

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Mr R Spurling of Counsel, instructed by Barnes Harrild & Dyer
Solicitors

For the Respondent: Mr E Tufan, Home Office Presenting Officer

DECISION ON ERROR OF LAW AND DIRECTIONS

Background

1. The appellant in this case is a citizen of Iran born on 28 July 1996. He appealed to the First-tier Tribunal against a decision of the respondent, dated 27 January 2017, refusing the appellant asylum, humanitarian protection and his appeal on human rights grounds. In a Decision and Reasons promulgated on 11 May 2017, Judge of the First-tier Tribunal Abebrese dismissed the appellant's appeal on all grounds.
2. The appellant appealed on the following grounds:

Ground 1: Flawed assessment of the appellant's Facebook evidence in light of the case of **AB and Others (internet activity – state of evidence) Iran [2015] UKUT 0257;**

Ground 2: Flawed treatment of the risk to the appellant from his Kurdish ethnicity.

Error of Law

3. For the reasons set out below I find an error of law in the appellant's first ground. Mr Spurling, whilst relying on the second ground, did not make any substantive submissions before me other than to indicate that this issue is being considered by the Upper Tribunal as a country guidance case in the coming months.

4. The background of this case is that the appellant claims to be an uneducated Iranian Kurd and is illiterate and made a claim in relation to alleged difficulties experienced by himself and his father with the Peshmerga and Ettela'at in Iran. The Judge of the First-tier Tribunal did not find the appellant credible in relation to his claim to have assisted the Peshmerga; that finding has not been substantively challenged and is preserved.

5. It was the appellant's case that since entering the UK (he was encountered on 26 July 2016 and claimed asylum on 1 August 2016) he has posted material on the internet which, he states, has put him further at risk. It was not disputed that the appellant has made such posts on the internet and there was material before me, from page 22 of the appellant's bundle to page 39 of the appellant's bundle, which were printouts of that material together with English translations, which indicated that material is in support of the Kurds and critical of the Iranian regime. The Tribunal accepted that the appellant had put material on Facebook, finding at [23] that:

'The appellant has in my view put material on Facebook in order to enhance and bolster his claim'.

6. The judge noted that the appellant had not joined any opposition party in Iran and had not been politically active prior to his arrival in the UK. The judge went on to find as follows at [26]:

"He has further sought to bolster his claim by putting materials on the internet in order to attract attention to himself and also in order to enhance his claim for asylum in this country. Therefore the risk which this appellant may face on being returned to Iran has been entirely due to his own design and an attempt to make a non-genuine asylum claim in this country. The objective material which is posted on the internet in my view does not put him at risk and I have found in favour of the arguments put forward by the respondent's representative in that this material was only put up according to the evidence from December 2016 and therefore a relatively short time of activity, it contains no written comments and also more importantly there is no evidence to suggest that he has written any information attached to the posted material. This appellant would not be at risk even though he would be a failed asylum seeker

being returned with Kurdish ethnicity and there is no evidence to suggest that his Facebook material has been monitored by the Iranian authorities.”

7. It was accepted by Mr Tufan that the judge’s approach was flawed in respect of the established principle in **Danian [1999] EWCA Civ 3000**, that the fact that sur place activity may not be undertaken for a genuine motive does not in itself preclude an individual from being entitled to a grant of protection. I am of the view that the judge’s consideration of the appellant’s Facebook posts was tainted by his findings that the posts had been made solely to bolster the appellant’s asylum claim and that there was subsequently no adequate consideration of the practical effect of those posts and how they impacted on the appellant’s risk.
8. It was not disputed before me that the judge had before him, including in the context of the appellant’s representative’s skeleton argument, the arguments of the Upper Tribunal in the reported decision of **AB and Others (internet activity – state of evidence) Iran [2015] UKUT 0257**, which accepted that being resident in the UK for a prolonged period may lead to scrutiny and screening on arrival and that the Iranian authorities are very sensitive to even mild criticism and in addition that they are not concerned with an individual’s motivation and this was considered specifically in the context of Facebook posts.
9. That must be considered in light of **BA (Demonstrators in Britain – risk on return) Iran CG [2011] UKUT 36 (IAC)** and more recently **SSH and HR (illegal exit: failed asylum seeker) Iran CG [2016] UKUT 308 (IAC)**, the most recent country guidance on Iran, where the Tribunal reached the view, at [30] that:

“We can understand the sensitivity that the Iranian authorities may have towards perceived slights against their own state in the form of untruthful allegations about the conduct of the state, but equally one can expect a degree of reality on their part in relation to people who in the interests of advancing their economic circumstances, would make up a story in order to secure economic betterment in a wealthier country.”

10. I have taken into consideration that **SSH and HR** remains the relevant country guidance. The reported decision in **AB and Others** is not country guidance. However, it is useful to consider the detailed findings of the Upper Tribunal in relation to internet activity:

“466. It is very difficult to establish any kind of clear picture about the risks consequent on blogging activities in Iran. Very few people seem to be returned unwillingly and this makes it very difficult to predict with any degree of confidence what fate, if any, awaits them. Some monitoring of activities outside Iran is possible and it occurs. It is not possible to determine what circumstances, if any, enhance or dilute the risk although a high degree of activity is not necessary to attract persecution.

467. The mere fact of being in the United Kingdom for a prolonged period does not lead to persecution. However it may lead to scrutiny and there is clear evidence that some people are asked about their internet activity and

particularly for their Facebook password. The act of returning someone creates a 'pinch point' so that a person is brought into direct contact with the authorities in Iran who have both the time and inclination to interrogate them. We think it likely that they will be asked about their internet activity and likely if they have any internet activity for that to be exposed and if it is less than flattering of the government to lead to at the very least a real risk of persecution.

468. Social and other internet-based media is used widely through Iran by a very high percentage of the population and activities such as blogging may be perceived as criticisms of the state which is very aware of the power of the internet. The Iranian authorities in their various guises both regulate and police the internet, closing down or marking internet sites although this does not appear to be linked directly to persecution.
469. The capability to monitor outside Iran is not very different from the capability to monitor inside Iran. The Iranian authorities clearly have the capacity to restrict access to social internet-based media. Overall it is very difficult to make any sensible findings about anything that converts a technical possibility of something being discovered into a real risk of it being discovered.
470. The main concern is the pinch point of return. A person who was returning to Iran after a reasonably short period of time on an ordinary passport having left Iran illegally would almost certainly not attract any particular attention at all and for the small number of people who would be returning on an ordinary passport having left lawfully we do not think that there would be any risk to them at all.
471. However, as might more frequently be the case, where a person's leave to remain had lapsed and who might be travelling on a special passport, there would be enhanced interest. The more active they had been the more likely the authorities' interest could lead to persecution.
472. The mere fact that a person, if extremely discrete, blogged in the United Kingdom would not mean they would necessarily come to the attention of the authorities in Iran. However, if there was a lapse of discretion they could face hostile interrogation on return which might expose them to risk. The more active a person had been on the internet the greater the risk. It is not relevant if a person had used the internet in an opportunistic way. The authorities are not concerned with a person's motivation. However in cases in which they have taken an interest claiming asylum is viewed negatively. This may not of itself be sufficient to lead to persecution but it may enhance the risk."

In addition, at paragraph 455:

"455. We do reject Mr Rawat's submission that a high degree of activity is necessary to attract persecution. It is probably the case that the more

active persons are the more likely they are to be persecuted but the reverse just does not apply. We find that the authorities do not chase everyone who just might be an opponent but if that opponent comes to their attention for some reason then that person might be in quite serious trouble for conduct which to the ideas of western liberal society seems of little consequence.

...

457. We accept the evidence that some people who have expected no trouble have found trouble and that does concern us. We also accept the evidence that very few people seem to be returned unwillingly and this makes it very difficult to predict with any degree of confidence what fate, if any, awaits them. There is clear evidence that some people are asked about their internet activity and particularly for their Facebook password. We can think of no reason whatsoever to doubt this evidence. It is absolutely clear that blogging and activities on Facebook are very common amongst Iranian citizens and it is very clear that the Iranian authorities are exceedingly twitchy about them. We cannot see why a person who would attract the authorities sufficiently to be interrogated and asked to give account of his conduct outside of Iran would not be asked what he had done on the internet. Such a person could not be expected to lie, partly because that is how the law is developed and partly because, as is illustrated in one of the examples given above, it is often quite easy to check up and expose such a person. We find that the act of returning someone creates a 'pinch point' so that returnees are brought into direct contact with the authorities in Iran who have both the time and inclination to interrogate them. We think it likely that they will be asked about their internet activity and likely if they have any internet activity for that to be exposed and if it is less than flattering of the government to lead to a real risk of persecution.

..."

11. In light of the current evidence in relation to the Iranian authorities' approach to internet activity and to returnees in general, it was incumbent on the First-tier Tribunal to consider and assess the nature and extent of the appellant's blogging activities and whether in his particular circumstances that would bring him to a risk of harm on return (notwithstanding his motives for doing so). That consideration ought to have had regard to whether or not in the particular facts of this case, his Kurdish ethnicity would be an aggravating factor. Failure to consider **AB and Others**, or **SSH**, is a material error, albeit that the appellant has yet to address the concerns expressed in **SSH**, as detailed above, as to the likely approach of the Iranian authorities to returnees in these circumstances.
12. I am therefore satisfied that the decision of the First-tier Tribunal contains a material error of law such that it should be set aside. The findings of the First-tier Tribunal Judge that the appellant does not have genuine political opinions and that his claims

in relation to the Peshmerga were not credible are preserved. I further preserve the findings that the appellant has made Facebook posts, that there were pictures but no specific original comments from the appellant.

Notice of Decision on Error of Law

13. The First-tier Tribunal's determination contains an error of law capable of affecting the outcome of the appeal and is set aside, other than as set out in the preceding paragraph. The decision on appeal will be remade by the Upper Tribunal

Remaking the Decision

14. I was initially disposed to remake the decision on the available evidence. However, I took into consideration Mr Spurling's submissions that further country guidance, that may be relevant to the second ground of appeal, is imminent. In addition the appellant has undertaken further activities and wishes to produce evidence in this regard. Mr Tufan had no objection to an adjournment on that basis.

Directions

- (a) The appeal is to be relisted, before a single Judge or Deputy Judge of the Upper Tribunal no earlier than 1 May 2018
- (b) The appellant is to file and serve a consolidated bundle of evidence so it is received no later than 1 April 2018. The bundle is to separately tabulate
- (i) the evidence relied upon before the First-tier Tribunal; and
 - (ii) the additional evidence it is now sought to rely upon before the Upper Tribunal.

The bundle must contain any evidence relied on to address the relevant country guidance both in **SSH** and any guidance subsequently promulgated in relation to the risk on return for failed asylum seekers with Kurdish ethnicity.

- (c) The Secretary of State is to file and serve, by no later than 8 April 2018, any evidence relied upon that is not contained within the bundle to be relied upon before the FtT.

Any failure to comply with these Directions may lead to the Tribunal to exercise its power to decide the appeal without a further oral hearing and to conclude that the defaulting party has no relevant information, evidence or submissions to provide.

Anonymity

No anonymity direction was sought or is made.

Signed

Date: 2 February 2018

Deputy Upper Tribunal Judge Hutchinson

TO THE RESPONDENT
FEE AWARD

No fee was paid or payable so no fee award is made.

Signed

Date: 2 February 2018

Deputy Upper Tribunal Judge Hutchinson