



Upper Tribunal

(Immigration and Asylum Chamber)

Appeal Number: UI-2022-006391

[PA/03963/2020]

THE IMMIGRATION ACTS

Decision & Reasons Issued:

On the 11 September 2023

Before

**UPPER TRIBUNAL JUDGE KOPIECZEK
DEPUTY UPPER TRIBUNAL JUDGE MCCARTHY**

Between

**SJG
(ANONYMITY ORDER MADE)**

Appellant

and

SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Mr C Holmes, Counsel instructed by Ashwood Solicitors Ltd

For the Respondent: Mr E. Terrel, Senior Home Office Presenting Officer

Heard at Field House on 25 August 2023

Order Regarding Anonymity

Pursuant to rule 14 of the Tribunal Procedure (Upper Tribunal) Rules 2008, the appellant and any member of his family is granted anonymity because this is a protection appeal.

No-one shall publish or reveal any information, including the name or address of the appellant, likely to lead members of the public to identify the appellant or any member of his family. Failure to comply with this order could amount to a contempt of court.

EA/14088/2016

**DECISION PURSUANT TO RULE 40(3)(a) OF THE TRIBUNAL PROCEDURE
(UPPER TRIBUNAL) RULES 2008**

1. The appellant, a citizen of Iraq, appealed to the First-tier Tribunal (“FtT”) against a decision to refuse his protection and human rights claim. In a decision promulgated on 17 November 2022 the FtT allowed the appeal with reference to Article 3 of the ECHR but dismissed the appeal with reference to the asylum and humanitarian protection grounds.
2. Permission to appeal the decision of the FtT having been granted, the appeal came before us for hearing. At that hearing it was agreed between the parties that the FtT had erred in law in dismissing the appeal on asylum and humanitarian protection grounds, for the reasons advanced in the grounds of appeal upon which permission to appeal was granted (and to which reference may be made for a full understanding of the errors of law).
3. In summary, the grounds contend that the FtT erred in law in dismissing the appeal on humanitarian protection and asylum grounds in the light of the positive findings in his favour, including those made following an earlier appeal to the FtT in January 2010, and likewise in terms of the asylum grounds.
4. It was further agreed between the parties that the errors of law are such as to require the decision of the FtT to be set aside in so far as it concerns humanitarian protection and asylum, and for the decision to be re-made, allowing the appeal on asylum grounds.
5. In the circumstances, we set aside the decision of the FtT for error of law in its consideration of the humanitarian protection and asylum grounds of appeal, and re-make the decision by allowing the appeal on asylum grounds.
6. Pursuant to rule 40(3)(a) of the Tribunal Procedure (Upper Tribunal) Rules 2008, no reasons (or further reasons) are required, the decision being made with the consent of the parties.

A.M. Kopieczek
Upper Tribunal Judge Kopieczek

25/08/2023

UI-2022-006391
[PA/03963/2020]

EA/14088/2016