



**IN THE UPPER TRIBUNAL**  
**IMMIGRATION AND ASYLUM CHAMBER**

**Case No: UI-2021-001965**  
**First Tier Number: PA/52009/2020**

**THE IMMIGRATION ACTS**

**Decision & Reasons Issued:**  
**On 6<sup>th</sup> of February 2024**

**Before**

**UPPER TRIBUNAL JUDGE LANE**

**Between**

**RHK**  
**(NO ANONYMITY ORDER MADE)**

Appellant

**and**

**Secretary of State for the Home Department**

Respondent

**Representation:**

For the Appellant: Mr Hussain  
For the Respondent: Mr Lindsay, Senior Presenting Officer

Heard at Phoenix House (Bradford) on 2 February 2024

**DECISION AND REASONS**

1. The appellant, a citizen of Iraq, was born on 19 November 1993. He appealed to the First-tier Tribunal against a decision of the Secretary of State dated 15 October 2020 refusing him international protection. He appealed to the First-tier Tribunal, which in a decision dated 27 September 2021, dismissed the appeal. The appellant now appeals, with permission, to the Upper Tribunal.
2. At the initial hearing at Bradford, Mr Lindsay, Senior Presenting Officer, told me that the Secretary of State does not oppose this appeal. He accepts that the judge erred in law, in particular in his fact-finding at [29] by failing to apply the principles of *HK V Secretary of State for the Home Department* [2006] EWCA Civ 1037. I agree. The decision of the First-tier Tribunal is set aside. None of the findings of fact shall stand. The appeal is returned to the First-tier Tribunal for that Tribunal to remake the decision following a hearing *de novo*.

**Notice of Decision**

The decision of the First-tier Tribunal is set aside. None of the findings of fact shall stand. The appeal is returned to the First-tier Tribunal for that Tribunal to remake the decision following a hearing *de novo*.

**C. N. Lane**

Judge of the Upper Tribunal  
Immigration and Asylum Chamber

**Dated: 2 February 2024**