



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

**Case No: UI-2022-002732  
First Tier No's: PA/51868/2021  
IA/05253/2021**

**THE IMMIGRATION ACTS**

**Before**

**UPPER TRIBUNAL JUDGE BRUCE**

**Between**

**AK  
(Anonymity direction made)**

Appellant

**And**

**Secretary of State for the Home Department**

Respondent

**DECISION AND REASONS**

1. The Appellant is a national of Iran born in 1988. He appeals with permission against the decision of the First-tier Tribunal (Judge Hatton) to dismiss his protection appeal.
2. The Respondent rejected the Appellant's claim for want of credibility, and so did Judge Hatton.
3. On appeal the Appellant submits that Judge Hatton's decision is infected with several errors of law including irrationality, impermissibly requiring corroboration in an asylum case, and in apparently overlooking material evidence, having found it incredible that the Iranian security services might arrest the Appellant's family members only to release them, when the country background evidence indicates that they regularly do just that.
4. The Secretary of State agrees that the alleged errors are made out and invites me to set the decision of Judge Hatton aside in its entirety. I agree that the Secretary of State's concession is well made and so set the decision aside. The parties are in agreement that given the

nature of the errors, and the extent of the fact finding required, it would be in the interests of justice to remit the matter for *de novo* hearing in the First-tier Tribunal.

### **Anonymity**

5. Having had regard to paragraph 28 of the *Guidance Note 2022 No 2: Anonymity Orders and Hearings in Private*, I am therefore satisfied that it would be appropriate to make an order for anonymity in the following terms:

“Unless and until a tribunal or court directs otherwise, the Appellant is granted anonymity. No report of these proceedings shall directly or indirectly identify him or any member of his family. This direction applies to, amongst others, both the Appellant and the Respondent. Failure to comply with this direction could lead to contempt of court proceedings”

### **Decisions and Directions**

6. The decision of the First-tier Tribunal is set aside. No findings are preserved.
7. The decision in the appeal is to be remade in the First-tier Tribunal by a judge other than Judge Hatton.
8. There is an order for anonymity.

Upper Tribunal Judge Bruce  
4<sup>th</sup> November 2022  
(references amended 12<sup>th</sup> June 2024)