



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

Case No.: UI-2023-003973

First-tier Tribunal Nos:
PA/52968/2022
IA/07602/2022

THE IMMIGRATION ACTS

**Decision & Reasons Issued:
On 1 July 2024**

Before

DEPUTY UPPER TRIBUNAL JUDGE MONSON

Between

**Askan Ahmedi (IRAN)
(ANONYMITY ORDER DISCHARGED)**

Appellant

And

SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: None

For the Respondent: Ms Julie Isherwood, Senior Home Office Presenting Officer

Heard at Field House on 17 June 2024

DECISION AND REASONS

1. This is my judgment on how the decision in this appeal should be remade following an error of law hearing on 25 October 2023 at which the respondent's representative conceded that the FtT Judge had erred in law in the reasons given for dismissing the appeal, and following my EOL Decision promulgated shortly thereafter in which I ruled as follows at para [42]:

The Judge did not give adequate reasons for finding that the appellant would not be at risk of persecution or serious harm on return, and he thereby

materially erred in law such that I must set the Decision aside, while preserving the findings that (1) the appellant did not engage in political activity in Iran; (2) the appellant did not come to the adverse attention of the Iranian authorities in Iran as a result of carrying on political activity, but he did previously come to their adverse attention on two occasions for engaging in illegal smuggling; (3) the appellant left Iran illegally; and (4) the appellant's *sur place* activities in the UK are not genuine, but an attempt to manipulate the asylum system.

2. I made the following directions as to the future conduct of this appeal:
 - (1) The resumed hearing shall be listed before me or, if more convenient, before any other Upper Tribunal Judge, for a hearing at Field House, with a time estimate of 1.5 hours, so as to enable the Tribunal to substitute a decision to either allow or dismiss the appeal;
 - (2) A Kurdish Sorani interpreter will be required for the resumed hearing;
 - (3) Within 21 days, by close of business on 15 November 2023, the appellant shall serve on the Upper Tribunal and the respondent a skeleton argument setting out his case as to why he will be at risk on return, including but not limited to (a) identifying by page number the posts/photographs/stills from TV footage (if any) which are relied on as showing him attending demonstrations, and (b) providing any and all cross-references to the documents to show that the figure given by the appellant of attending 11 demonstrations outside the Iranian embassy is reliable;
 - (4) Within 35 days, by close of business on 29 November, the respondent shall serve a reply to the appellant's skeleton argument, specifying areas of agreement (if any) and disagreement, and in the latter case, giving reasons;
 - (5) So as to enable the timetable set out in (3) and (4) to be followed, the resumed hearing shall not be listed before 13 December 2023, and it shall be listed at the convenience of the appellant's representative, Kristian Wood of IAS.
3. In the event, a skeleton argument was only provided by Mr Wood very recently and, not long after it was filed, on 14 June 2024 he notified the Tribunal and the Specialist Appeal Team that he was withdrawing his representation as he had been unable to contact his client and he was without instructions.
4. As Ms Isherwood explained to me, this development prompted her to interrogate the relevant Home Office database. As set out in a printout which she emailed to me during the hearing, she established that on 14 June 2024 the appellant had undertaken a voluntary return to Iraq in the identity of Mashwal Azad Noori, a national of Iraq.
5. In retrospect, the FtT Judge was thus right to dismiss his appeal, which the appellant had pursued in the false identities of Askan Ahmed and/or Ahmed Askan and in which he had falsely maintained that he was a national of Iran.

6. By leaving the country, the appellant has abandoned his appeal, and my initial view was that the appeal should thereby be treated as withdrawn. But having reflected further, I consider that it is right to substitute a decision dismissing the appeal, as on the facts which have now emerged, the only possible outcome is dismissal.

Notice of Decision

The decision of the First-tier Tribunal contained a material error of law, and so I set it aside, and I substitute the following decision:

The appellant's appeal is dismissed on all grounds raised.

Discharge of the Anonymity Order

The appellant has previously enjoyed the protection of an anonymity order in both the First-Tribunal and the Upper Tribunal on the premise that he was an asylum seeker from Iran. As that premise has been shown to be false, it is in the public interest that the order be discharged.

Andrew Monson
Deputy Judge of the Upper Tribunal
Immigration and Asylum Chamber
25 June 2024