



Upper Tribunal  
(Immigration and Asylum Chamber)

Appeal Number: PA/01549/2016

**THE IMMIGRATION ACTS**

Heard at Bradford  
On 24<sup>th</sup> January 2018

Decision & Reasons Promulgated  
On 26<sup>th</sup> January 2018

Before

UPPER TRIBUNAL JUDGE MARTIN

Between

[M H]

~~(ANONYMITY DIRECTION NOT MADE)~~

Appellant

and

SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

**Representation:**

For the Appellant: Ms S Khan (instructed by Morgan Dias Immigration Consultants Ltd.)

For the Respondent: Miss R Petterson (Senior Home Office Presenting Officer)

**DECISION AND REASONS**

1. This is an appeal to the Upper Tribunal by the Appellant, with permission, in relation to a Decision and Reasons of Judge Chana following a hearing at Bradford on 14<sup>th</sup> October 2016. In a Decision and Reasons promulgated on 27<sup>th</sup> February 2017 the appeal was dismissed on all grounds.
2. The Appellant is a citizen of Iraq who claimed asylum on the basis that he would be at risk on account of his father's links to the Ba'ath party and from ISIS.

3. It was accepted by the Secretary of State that the Appellant would be at risk in his home area which was and remains a contested area. The single issue was internal relocation.
4. The Judge found that the Appellant could relocate safely to the IKR, that he could travel direct from Istanbul to Erbil and that his lack of documents was not a problem.
5. All three findings are in error. There was no consideration of how the Appellant could be accepted in the IKR, the evidence that the Appellant could travel direct from Turkey was not evidenced and indeed Miss Petterson confirmed that that route was not what the Secretary of State mooted (which was via Baghdad). Further the lack of documentation arguably should have been considered in detail and in the light of the current Country Guidance case of AA (Article 15C) Iraq CG [2015] UKUT 00544 (IAC).
6. Miss Patterson accepted that the Decision and Reasons was tainted by those material errors of law and should be set aside.

### **Notice of Decision**

**The appeal to the Upper Tribunal is allowed to the extent that the Decision and Reasons is set aside and the appeal remitted to the First-tier Tribunal for a full rehearing on the issue of Internal Relocation by a Judge, other than Judge Chana, at the Bradford hearing centre.**

**As the Upper Tribunal are hearing a Country Guidance case on return to the IKR in February 2018, the matter should not be listed until that has been promulgated.**

No anonymity direction is made.

Signed

Date 24<sup>th</sup> January 2018

Upper Tribunal Judge Martin