



**Upper Tribunal
(Immigration and Asylum Chamber)
PA/04561/2017**

Appeal Number:

THE IMMIGRATION ACTS

Heard at Manchester

On April 30, 2018

**Decision &
Promulgated**

On May 3, 2018

Reasons

Before

DEPUTY UPPER TRIBUNAL JUDGE ALIS

Between

MRS S A

(ANONYMITY DIRECTION MADE)

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Mr Wood (Solicitor)

For the Respondent: Mr McVeety, Senior Home Office Presenting Officer

DECISION AND REASONS

1. I extend the anonymity order under Rule 14 of the Tribunal Procedure (Upper Tribunal) Rules 2008 and direct that unless and until a Tribunal or court directs otherwise, the appellant is granted anonymity. No report of these proceedings shall directly or indirectly identify her or any member of her family. This direction applies both to the appellant and to the respondent. Failure to comply with this direction could lead to contempt of court proceedings.
2. The appellant is an Iraqi national. She arrived in the United Kingdom on January 14, 2016 and claimed asylum the following day. The respondent refused her claim on April 25, 2017.

3. The appellant lodged grounds of appeal under Section 82(1) of the Nationality, Immigration and Asylum Act 2002 on April 25, 2017. Her appeal came before Judge of the First-tier Tribunal Chambers (hereinafter called "the Judge") on October 13, 2017 and in a decision promulgated on October 24, 2017 the Judge refused her appeal on all grounds.
4. The appellant appealed the decision on November 7, 2017. Permission to appeal was granted by Judge of the First-tier Tribunal Scott-Baker on November 15, 2017 because she found it arguable the Judge had erred by failing to make credibility findings on (a) whether the appellant had been beaten by her brother or falsely imprisoned and (b) on the issue of whether her own sister had been killed as she had claimed. Such findings went directly towards any assessment of risk on return.
5. The matter came before me on the above date and the parties were represented as set out above. Mr McVeety did not adopt the content of a Rule 24 letter dated January 11, 2018 but conceded that having read the Judge's decision he agreed with Mr Wood that the Judge had to make the findings identified in the grant of permission before considering the issue of relocation at paragraph 20 of his decision.
6. Whilst the Judge made a number of important findings I accept that he did not address the two issues which clearly went to the issue of risk on return. Whether the appellant would be able to relocate within the IKR would clearly be affected by what it was said had happened to her and her sister. As those findings were not made the Judge's assessment of internal relocation to either her husband's home area or elsewhere in the IKR could not properly be considered.
7. Mr Wood adopted the grounds of appeal and the grant of permission and invited me to find an error in law and remit the case back to the First-tier Tribunal for a de novo hearing. Mr McVeety agreed with this course of action.
8. In light of the above I accept there is an error in law and there is no alternative to effectively restarting the appeal process by remitting the decision back to the First-tier Tribunal for a de novo hearing.

DECISION

9. The making of the decision of the First-tier Tribunal did involve the making of an error on a point of law.
10. I set aside the decision.
11. I remit the decision to the First-tier Tribunal to be heard by a Judge other than Judge of the First-tier Tribunal Chambers.

Signed

Date 11/04/2018

SPAR

Deputy Upper Tribunal Judge Alis