



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

Appeal Number: PA/04596/2017

**THE IMMIGRATION ACTS**

**Heard at Field House  
On 4 December 2017**

**Decision & Reasons Promulgated  
On 8 January 2018**

**Before**

**DEPUTY UPPER TRIBUNAL JUDGE ESHUN**

**Between**

**MR JALAL JABAR MOHAMMED  
(ANONYMITY DIRECTION NOT MADE)**

Appellant

**and**

**THE SECRETARY OF STATE FOR THE HOME DEPARTMENT**

Respondent

**Representation:**

For the Appellant: Ms K Olley, Counsel

For the Respondent: Ms J Isherwood, HOPO

**DECISION ON ERROR OF LAW**

1. The appellant is an Iraqi national born on 1 March 1991. He is a Kurdish Sunni Muslim from Kirkuk, Iraq. He appeals with permission against the decision of First-tier Tribunal Judge Davidson dismissing his appeal against the refusal of the respondent to grant him asylum in the United Kingdom and leave to remain on Article 8 grounds and humanitarian protection grounds.
2. There is no need to recite the appeal history of this case, suffice to say that in previous appeals the appellant has been found to have no well-founded fear of persecution were he to be removed to Iraq.

3. The issues pleaded on the appellant's behalf were firstly, that his removal would be a breach of Article 3 and/or Article 15(c) of the Qualification Directive. It was argued on the appellant's behalf that pursuant to **AA (Article 15(c)) Iraq CG [2015] UKUT 544 (IAC)**, Kirkuk is a contested area and he cannot return to Kirkuk. Secondly it was argued that as Kirkuk is a contested area, he cannot get documentation from the Authorities in Kirkuk which will place him in a difficult position with regard to internal relocation.
4. Ms Isherwood conceded that the judge erred in law in her finding at paragraph 36(a) that Kirkuk (with the exception of Hawija and the surrounding areas) no longer meets the threshold of Article 15(c). I find that Ms Isherwood was right to concede this point in the light of the decision by the immigration Tribunal in **AA (Iraq)** which held

*“There is at present a state of internal armed conflict in certain parts of Iraq, involving Government security forces, militias of various kinds, and the Islamic group known as ISIL. The intensity of this armed conflict in the so called ‘contested areas’ comprising the governorates of ... **Kirkuk** ... is such that, as a general matter, there are substantial grounds for believing that any civilian returned there, solely on account of his or her presence there, faces a real risk of being subjected to indiscriminate violence amounting to serious harm within the scope of Article 15(c) of the Qualification Directive”.*
5. This decision was upheld by the Court of Appeal in **AA (Iraq) v SSHD [2017] EWCA Civ 944**.
6. I also find that the judge erred in law in failing to mention or address the issue of the CSID document which links in with the issue of internal relocation. The CSID document is the document the appellant will require to access financial assistance from the Authorities, employment, education, housing and medical treatment. I find that the judge's failure to deal with this issue, which is material to the appellant's case, means that the judge materially erred in law.
7. For these two reasons, I find that the judge materially erred in law and that her decision cannot stand.
8. The appellant's appeal is remitted to be reheard at Hatton Cross by a judge other than First-tier Tribunal Judge Davidson.

No anonymity direction is made.

Signed

Date: 4 January 2018

Deputy Upper Tribunal Judge Eshun