



**Upper Tribunal
(Immigration and Asylum Chamber)
PA/07068/2017**

Appeal Number:

THE IMMIGRATION ACTS

Heard at Field House

On 22nd March 2018

**Decision & Reasons
Promulgated
On 11th April 2018**

Before

DEPUTY UPPER TRIBUNAL JUDGE D E TAYLOR

Between

**MA
(ANONYMITY DIRECTION MADE)**

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Miss C Soloman, instructed by Halliday Reeves
For the Respondent: Mr E Tufan, Home Office Presenting Officer

DECISION AND REASONS

1. This is the appellant's appeal against the decision of Judge Davidson made following a hearing at Hatton Cross on 24th August 2017.
2. The appellant is a citizen of Iraq born on 24th June 1994. He arrived in the UK clandestinely on 3rd August 2016 and claimed asylum on the grounds that he was at risk of persecution in Iraq due to his anti-Islamic posts on Facebook and his anti-religious views.
3. The application was refused by the Secretary of State on 13th July 2017 and it was this refusal which was the subject of the appeal before Judge Davidson.

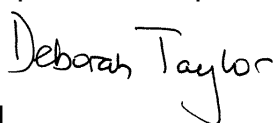
4. Judge Davidson accepted that the appellant had been active on Facebook and social media and he had attracted unpleasant and threatening comments. However he did not accept that the appellant was in any particular danger. He said that the appellant, who is from Kirkuk, could reasonably relocate to the IKR region of Iraq and he dismissed the appeal.
5. The appellant sought permission to appeal which was granted by Resident Judge Phillips on 28th December 2017.
6. The grounds of appeal assert that the judge had failed to take into account substantial evidence contained in a supplementary bundle. There was no analysis or reference to the objective evidence. Having found that the appellant was active on Facebook, the finding that he was not in any particular danger was arguably inadequately reasoned.
7. At the hearing Miss Solomon also pointed out that the judge had failed to consider evidence that the appellant's two friends had been granted asylum in France and Germany on the same basis as the appellant himself claimed. Furthermore, he had not taken into account the extensive evidence before him of the consequences of return as an atheist.
8. Mr Tufan said that he could not concede the appeal but accepted that there was a lack of anxious scrutiny in this determination both in relation to the core of the appellant's claim and in relation to the viability of his relocation to the IKR.
9. The decision of Judge Davidson is set aside. He erred in law.
10. First, the judge did not take into account all of the relevant evidence which was before him. Second, the reasoning is not adequate. Third, this brief determination does not adequately explain why internal relocation to the IKR would be practical or reasonable.

Notice of Decision

The decision will have to be remitted to the First-tier Tribunal to be re-made by another immigration judge at Hatton Cross. A Kurdish Sorani interpreter is required.

Direction Regarding Anonymity - Rule 14 of the Tribunal Procedure (Upper Tribunal) Rules 2008

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 their 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.



Signed
Deputy Upper Tribunal Judge Taylor

Date 7 April 2018