



IAC-AH-SAR-V1

**Upper Tribunal
(Immigration and Asylum Chamber) Appeal Number: PA/05954/2019**

THE IMMIGRATION ACTS

**Heard at Bradford
On 13 November 2020**

**Decision & Reasons Promulgated
On 17 November 2020**

Before

UPPER TRIBUNAL JUDGE LANE

Between

**SHMA
(ANONYMITY DIRECTION MADE)**

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Mr Ell, instructed by Sutovic and Hartigan

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

DECISION AND REASONS

1. The appellant was born in 1994 and is a female citizen of Iraq. She is of Kurdish ethnicity and her home area lies in the Independent Kurdish Region (IKR). She appealed to the First-tier Tribunal against a decision of the Secretary of State dated 7 June 2019 refusing her claim for international protection. The First-tier Tribunal, in a decision promulgated on 24 March 2020, dismissed the appeal. The appellant now appeals, with permission, to the Upper Tribunal.

2. Mr Diwnycz, who appeared for the Secretary of State at the initial hearing, told me that he was unable to defend the decision of the First-tier Tribunal. I shall, therefore, be brief. I was assisted by the succinct submissions of Mr Ell, who appeared for the appellant. I agree with him that, notwithstanding that the judge states that he considered the evidence 'in in the round', it is apparent that, having found that the appellant had not told truth at her screening interview, the judge was thereafter strongly disinclined to accept any other part of her evidence could be truthful. Several times in the decision, the judge prefaces discussion of the appellant's evidence by saying that he has taken 'account of the general adverse credibility findings...' which I take to be a reference to the screening interview. I fully accept that it is sometimes difficult to consider evidence as a totality when one is required commence an analysis by considering and making findings on one particular part of that evidence. In this decision, however, I find that the judge has not overcome that difficulty. Secondly, I accept that the judge at [39] was factually wrong when he states that the expert witness had not assessed the 'risk of harm faced by westernised women in the IKR'; the expert's report does address this aspect of the appeal at [22]. The judge has not made any findings on that evidence.
3. I set aside the decision. Given the appellant circumstances at the date of the First-tier Tribunal hearing, it is not surprising that events have moved on. The appellant gave birth to a child on 31 May 2020. Mr Ell told me that KSR, whom the appellant claims is a father the child (a claim rejected by the judge), has been registered as the child's father and, moreover, that on 20 October 2020 the child was issued with a passport as a British citizen. Given that this decision is anonymized, I shall not name the child but particulars were given to Mr Diwnycz. It is a matter for the Secretary of State, but before this appeal returns for another hearing, she may wish to review the claim in the light of the altered circumstances.

Notice of Decision

The decision of the First-tier Tribunal is set aside. None of the findings of fact shall stand. The appeal is returned to the First-tier Tribunal (**not Judge Moxon; Kurdish Sorani interpreter; 1.5 hours; Bradford**) for that Tribunal to remake the decision at or following a hearing *de novo*.

Signed
2020
Upper Tribunal Judge Lane

Date 13 November

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

Unless and until a Tribunal or court directs otherwise, the appellants are granted anonymity. No report of these proceedings shall directly or indirectly identify them or any member of their family. This direction applies both to the

appellants and to the respondent. Failure to comply with this direction could lead to contempt of court proceedings.