



IAC-AH-SAR-V1

**Upper Tribunal
(Immigration and Asylum Chamber) Appeal Number: PA/08778/2019**

THE IMMIGRATION ACTS

**Heard at Field House
On 15 October 2020**

**Decision & Reasons Promulgated
On 02 November 2020**

Before

**UPPER TRIBUNAL JUDGE ALLEN
DEPUTY UPPER TRIBUNAL JUDGE SKINNER**

Between

**[A R H]
(ANONYMITY DIRECTION MADE)**

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Mr R Spurling instructed by Barnes Harrild & Dyer
Solicitors

For the Respondent: Mr S Walker, Senior Home Office Presenting Officer

DECISION AND REASONS

1. The appellant is a national of Iraq. He appealed to the First-tier Tribunal against a decision of 20 August 2019 refusing his application for international protection.
2. That appeal having been dismissed, he sought and was granted permission to appeal against it, and following a hearing on 5 March 2020 Upper Tribunal Judge Allen found errors of law in the decision such that it

required to be reconsidered in relation to the specific issue of internal relocation.

3. The appellant is an Iraqi Kurd who claimed to be at risk on return to Iraq. The judge concluded that he would be able to obtain a CSID with the help of family members, and in respect of various matters other than the appellant's ethnicity and place of origin found him generally to lack credibility.
4. It is not necessary to say a great deal about the appeal before us. Mr Spurling relied on and developed the points made in his helpful skeleton argument in which he argued that as a matter of feasibility it was not open to the appellant to return to parts of government controlled areas of Iraq in particular Baghdad, and as a matter of reasonableness he could not relocate to the IKR.
5. Mr Walker accepted that, considered in the context of the country guidance in SMO [2019] UKUT 00400 (IAC) and given the situation set out in the skeleton, there were difficulties as regards the reasonableness of the appellant relocating to the IKR. It had been held that he was from Mosul. It appeared that he fitted within the guidelines in SMO with regard to return to Iraq and in particular to the IKR. He also was of minority status being a Kurd and a Sunni Muslim. As a consequence on behalf of the Secretary of State Mr Walker conceded that relocation elsewhere in Iraq would be unreasonable.
6. In the circumstances, as we stated at the hearing, we find, in light of the concession of the Secretary of State and the evidence in the country guidance that this appeal falls to be allowed on the basis that it would be unreasonable for the appellant to relocate away from his home area elsewhere in Iraq. The appeal is as a consequence allowed.

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
Upper Tribunal Judge Allen

Date 20 October 2020