

returns continue to be to Baghdad only. Secondly, the Secretary of State agrees that the judge erred at ([25] - on page 7- there are two paragraphs numbered [25]) by finding that the appellant's claim to have been threatened by relatives of the woman SF could not be accepted without corroborative evidence.

3. I agree that the decision is flawed by legal error for the reasons outlined by Mr Diwnycz. The Case Management Review judge and Judge Drake who conducted the substantive hearing appear to have been misled by representations made by the Presenting Officer regarding non-voluntary returns to Iraq returns but the fact remains that the Tribunal's assessment of risk on return has failed to address the position of the appellant in Baghdad and how he might safely travel onwards to his home area. I also agree that, although he does not say so in terms, it is clear that the judge considered that he could attach little, if any, weight to the uncorroborated 'assertions' of the appellant. That was a error in law. Moreover, it is not obvious how this part of the evidence of the appellant (that he had been threatened by individuals in Iraq) might ever easily be corroborated especially given that the appellant has been living in the United Kingdom since December 2018.
4. In the light of these errors, there will need to be a hearing *de novo*. That hearing is better conducted before the First-tier Tribunal to which this appeal is now returned for it to remake the decision.

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 for that Tribunal to remake the decision following a hearing *de novo*. The parties may adduce fresh evidence provided copies of any documentary evidence (including witness statements) are sent to the other party and to the Upper Tribunal no less than 10 days before the next hearing.

Listing Directions: first available date; First-tier Tribunal to determine whether remote or face to face hearing; Kurdish Sorani interpreter; Not Judge Drake; Manchester or Bradford (whichever offers earlier date); 2 hours.

Signed
March 2021
Upper Tribunal Judge Lane

Date 31

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.