



IN THE UPPER TRIBUNAL
IMMIGRATION AND ASYLUM CHAMBER

Case No: UI-2024-000786

First-tier Tribunal Nos: PA/50416/2023
LP/000154/2024

THE IMMIGRATION ACTS

Decision & Reasons Issued:

On 19th of June 2024

Before

DEPUTY UPPER TRIBUNAL JUDGE ZUCKER

Between

The Secretary of State for the Home Department

Appellant

and

BIB
(ANONYMITY ORDER MADE)

Respondent

Representation:

For the Appellant: Ms S Simba, Home Office Presenting Officer
For the Respondent: Mr H Mohzam, Counsel, CD Solicitors

Heard at Field House on 7 June 2024

Order Regarding Anonymity

Pursuant to rule 14 of the Tribunal Procedure (Upper Tribunal) Rules 2008, the respondent and any member of his family is granted anonymity.

No-one shall publish or reveal any information, including the name or address of the respondent, likely to lead members of the public to identify the respondent or any of the respondent's family. Failure to comply with this order could amount to a contempt of court.

DECISION AND REASONS

1. BIB is a citizen of Iraq of Kurdish ethnicity whose date of birth is recorded as 1st January 1994. On 25th November 2019 he made application for international

protection as a refugee having entered the United Kingdom clandestinely by lorry that same date.

2. BIB's case was that in June 2019 he was asked by relatives of his adopted family to collect a bag from two people at the Iraqi Iranian border. This was the fourth time that he had been asked to perform this task. Without knowing the contents of the bags, he agreed to do as asked. However, on this occasion he learnt from his brother that his uncles had been arrested for transporting drugs and were blaming him, BIB, and that he was soon to be arrested. With his brother's help and as a consequence of threats from the uncles requiring BIB to hand himself in or be killed, BIB went into hiding. Meanwhile an arrest warrant was issued for BIB. Eventually he exited the country via Erbil Airport bound for Turkey and then on to the United Kingdom via various countries including Italy. Then, once in the United Kingdom, BIB began posting material on Facebook against the Iraqi regime.
3. On 11th January 2023 a decision was made to refuse the application. BIB appealed to the First-tier Tribunal. His appeal was heard by Judge Lloyd-Lawrie, who in a decision dated 29th January 2024 allowed the appeal.
4. Not content with that decision, by notice dated 31st January 2024 the Secretary of State made application for permission to appeal to this, the Upper Tribunal. I do not need to set out the grounds in full other than to note that what was contended was that there was a failure to resolve conflicts in the evidence and that there was an inadequacy of reasoning which was more particularly set out in those grounds.
5. On 4th March 2024 First-tier Tribunal Judge Cox granted permission on the basis that it was arguable that:
 - (i) the reasoning was inadequate, as it was arguable that the judge had not adequately explained why the Secretary of State's arguments were rejected; and
 - (ii) in failing adequately to explain why the Iraqi authorities would be concerned about BIB's political activities and how they would find out about them. Thus the matter comes before me.
6. Ms Simbi very fairly in this matter, having had her attention drawn to paragraph 5 of the decision and reasons, realised that it was not possible for her to pursue the appeal on the basis of the grounds that had been drafted because at paragraph 5 of the decision it was noted that the Home Office Presenting Officer, at first instance, had conceded that should the judge find that BIB was credible, it was accepted that sufficiency of protection and internal relocation were not available to BIB.
7. Ordinarily, one would expect, following an appeal skeleton argument and then the response, that the issues would narrow such that at the beginning of the hearing, the judge would be presented with the issues which were to be resolved and the judge would know what findings to make. I should say further that credibility is ordinarily the tool by which issues are resolved, but in this case the issue was credibility itself. In other words, the judge was being invited to determine whether BIB was a witness of truth. If the judge was satisfied that BIB

was a witness of truth, then by the concession BIB was entitled to succeed without the judge necessarily needing to resolve matters issue by issue.

8. The judge set out at paragraph 7 what necessarily would follow from the determination that BIB was a reliable witness, and the judge then went on to explain the reasons for finding BIB to be reliable. For example at paragraph 13, BIB had been consistent and had given sufficient explanation as to why certain events had happened and then went on at paragraph 14 to say that he was satisfied to the lower standard that BIB was at risk. In other words, the single issue that had been placed before the judge was resolved. In those circumstances Ms Simbi accepts that there was no material error of law and she did not pursue the matter before me any further.

DECISION

9. She agreed that the appeal fell to be dismissed which it is. It follows that the Decision of the First-tier Tribunal shall stand.



**Deputy Judge of the Upper Tribunal
Immigration and Asylum Chamber**

11 June 2024