



**Upper Tribunal  
(Immigration and Asylum Chamber)**

Appeal Number: AA/04608/2014

**THE IMMIGRATION ACTS**

**Heard at Bennett House, Stoke-on-Trent  
On 9<sup>th</sup> April 2015**

**Determination Promulgated  
On 24<sup>th</sup> April 2015**

**Before**

**DEPUTY UPPER TRIBUNAL JUDGE COATES**

**Between**

**KARWAN IBRAHIM MOHAMMAD  
(ANONYMITY DIRECTION NOT MADE)**

Appellant

**and**

**THE SECRETARY OF STATE FOR THE HOME DEPARTMENT**

Respondent

**Representation:**

For the Appellant: Mr S Woodhouse

For the Respondent: Mr A McVeety, Senior Home Office Presenting Officer

**DECISION AND REASONS**

1. The Appellant appealed against the Respondent's decision dated 25<sup>th</sup> June 2014 to remove him from the United Kingdom, his asylum and human rights claims having been refused. His appeal was dismissed by Judge of the First-tier Tribunal D Birrell on 27<sup>th</sup> October 2014.
2. This was the Appellant's second unsuccessful asylum claim in the UK. His immigration history shows that he came to the UK in 2007 and claimed asylum. His claim was refused and an appeal against that refusal was dismissed following an appeal hearing on 1<sup>st</sup> May 2008. After his claim had been refused the Appellant absconded and was eventually removed in 2011.

3. So far as the present appeal is concerned, the First-tier Tribunal found that the Appellant's account was lacking in credibility and that in any event it would be not unreasonable to expect him to relocate to the KRG.
4. Permission to appeal to the Upper Tribunal was granted in the First-tier Tribunal by First-tier Tribunal Judge Kelly on 17<sup>th</sup> November 2014. Judge Kelly held that it was not open to the Appellant to argue that the First-tier Tribunal erred in applying Section 8 of the Immigration (Treatment of Claimants, etc.) Act 2004. The judge held that the Tribunal would only have erred had it not applied it and in that respect I am sure that Judge Kelly was correct. It was further held that the Tribunal was entitled to consider the entirety of the Appellant's conduct since leaving Iraq, and to conclude that this adversely affected his credibility. The arguments to the contrary that were contained in paragraphs 1 to 6 of the Appellant's grounds do not disclose any arguable error of law, and permission to appeal on those grounds was accordingly refused.
5. However, Judge Kelly considered it arguable that the First-tier Tribunal misapplied the guidance in MK (Documents – relocation) Iraq CG [2012] UKUT 126 (IAC) by finding that the Appellant could relocate to the KRG in order to escape the situation of internal armed conflict in Kirkuk. Permission to appeal was therefore restricted to the grounds that are contained within paragraphs 7 to 13 of the application.
6. The Respondent's representative served and filed a Rule 24 response on 4<sup>th</sup> December 2014. The response argues that the First-tier Judge directed herself appropriately. It is submitted that at paragraph 35 of the decision the First-tier Judge made findings open to her with adequate reasons and refers in that paragraph to the CG case of MK.
7. Thus the matter came before me in the Upper Tribunal for an error of law hearing on 9<sup>th</sup> April 2015. The Appellant was present. Representation was as mentioned above.
8. In submissions, Mr Woodhouse adopted the Grounds of Appeal dated 5<sup>th</sup> November 2014 which were submitted in support of the application for permission to appeal. He referred to a death certificate purporting to show that the Appellant's cousin was killed by gunshots fired by terrorists. This is one of three documents which the Respondent, in the reasons for refusal letter, found to be unreliable and that the submission of such documents undermined the Appellant's credibility. At paragraph 25 of the decision, the First-tier Judge refers to the fact that the Appellant's account was that his cousin was shot and killed in the night of "29/30 September 2013". This was the version given in his screening interview, initial witness statement and asylum interview. However, a translation of the death certificate states that the date of death was 20<sup>th</sup> September 2011 i.e. ten days earlier. As a result, the First-tier Judge considered that this document was not reliable. Mr Woodhouse agreed that the translation giving the date as 20<sup>th</sup> September 2011 is inconsistent with the Appellant's claim but he submitted that this could be due to a simple error. A translation at Annex D6 in the Respondent's bundle gives the date as 30<sup>th</sup> September 2011 which is consistent with the claim.
9. Referring to paragraphs 7 to 13 of the application for permission (to which permission to appeal was limited), Mr Woodhouse submitted that the First-tier Judge gave inadequate consideration to the issue of internal flight. At paragraph 32 of the decision, the judge concluded that the Appellant could relocate to Kurdistan or to

Baghdad. No consideration had been given to the need for a food ration card. In this respect Mr Woodhouse submitted that the judge's findings were contrary to the guidance given in MK. He submitted that the Appellant would be at risk in the Kurdish regional area and therefore it would be unduly harsh to expect him to relocate there. Inadequate consideration had been given to the matter of a PDS card which amounted to a material error of law.

10. For the Respondent, Mr McVeety submitted that the general findings in the country guidance decision in MK do not support the Appellant. The general findings are at paragraph 88. At paragraph 88(2) the Upper Tribunal held that relocation to the KRG is in general reasonable. Entry into and residence in the KRG can be effected by any Iraqi national with a CSID, INC and PDS, after registration with the local security office. An Arab may need a Sponsor; a Kurd will not. Living conditions in the KRG for a person who has re-located there are not without difficulties, but there are jobs, and there is access to free healthcare facilities, education, rented accommodation and financial and other support from UNHCR.
11. Mr McVeety pointed out that there are direct flights twice a week from Manchester to Sulaymaniya. He submitted that the First-tier Judge had applied the country guidance in MK correctly.
12. So far as the date of the death certificate is concerned, Mr McVeety submitted that this is a matter which should have been addressed by the Appellant's representative at the hearing before the First-tier Tribunal. He pointed out that either translation could be wrong. There was no way of knowing which version, if either, was correct.
13. I have considered the First-tier Tribunal's decision and reasons in the light of the submissions and I have also reminded myself that permission to appeal was limited as mentioned above. I am satisfied that the First-tier Judge has given adequate and cogent reasons in support of her adverse credibility findings. I am also satisfied that she has correctly applied the country guidance in MK when considering the issue of internal relocation. Her conclusion that it would not be unreasonable for the Appellant to relocate to the KRG is properly reasoned and in accordance with the country guidance.

### **NOTICE OF DECISION**

The making of the decision by the First-tier Tribunal did not involve the making of any material error on a point of law. I uphold the determination and dismiss the appeal.

Signed

Date 23<sup>rd</sup> April 2015

Deputy Upper Tribunal Judge Coates