



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

Appeal Number: PA/05991/2016

THE IMMIGRATION ACTS

Heard at Bradford

**Decision &
Promulgated
On 7 June 2017**

Reasons

On 6 June 2017

Before

DEPUTY UPPER TRIBUNAL JUDGE SAFFER

Between

SECRETARY OF STATE FOR THE HOME DEPARTMENT

Appellant

And

**ZMA
(ANONYMITY ORDER MADE)**

Respondent

Representation:

For the Appellant: Mrs Pettersen a Home Office Presenting Officer

For the Respondent: Miss Khan of Counsel

DECISION AND REASONS

1. The brevity of the decision is due to the commendable focus displayed by both representatives, and the clarity of the Judge's decision.
2. For the sake of consistency with the decision in the First-tier Tribunal, I shall hereafter refer to the Secretary of State as the Respondent, and ZMA as the Appellant.
3. Pursuant to Rule 14 of the Tribunal Procedure (Upper Tribunal) Rules 2008 (SI 2008/269) I make an anonymity order. Unless the Upper Tribunal or a Court directs otherwise, no report of these proceedings or any form of publication thereof shall directly or indirectly identify ZMA

or any of his family members. This direction applies to, amongst others, all parties. Any failure to comply with this direction could give rise to Contempt of Court proceedings. I do so in order to preserve the anonymity of ZMA whose protection claim, for reasons that will become clear, has been allowed.

Background

4. The Respondent refused ZMA's application for asylum or ancillary protection on 26 May 2016. His appeal against the asylum appeal was dismissed by First-tier Tribunal Judge Myers ("the Judge") following a hearing on 22 November 2016, but allowed in relation to article 3 and humanitarian protection. There was no cross appeal in relation to the asylum decision which stands.

The grant of permission

5. First-tier Tribunal Judge Gillespie granted permission to appeal (23 March 2017) in relation to the article 3 and humanitarian protection claims on the basis that it is arguable that the Judge materially erred in hypothesising that there might be difficulty in obtaining documentation that would permit internal relocation.

Discussion

6. I am not satisfied that a material error of law occurred for the following reason. It was found that the Appellant's family was from Kirkuk. It was accepted by the Respondent at the hearing that Kirkuk was a contested area. It was accepted that he had left his CSID there and lost his passport in Greece. The Judge quoted from AA (Article 15 (c)) Iraq CG [2015] UKUT 00544 (IAC) the relevant extract regarding the difficulty in obtaining the required documentation from a contested area to make internal relocation a reasonable option. She was entitled to do so and accordingly make the findings she did.

Decision:

The making of the decision of the First-tier Tribunal did not involve the making of an error on a point of law.

I do not set aside the decision.

Deputy Upper Tribunal Judge Saffer
6 June 2017