



**Upper Tribunal
(Immigration and Asylum Chamber)
PA/06288/2016**

Appeal Number:

THE IMMIGRATION ACTS

Heard at Bradford

On 21st August 2017

**Decision & Reasons
Promulgated
On 29th August 2017**

Before

DEPUTY UPPER TRIBUNAL JUDGE D E TAYLOR

Between

**SARDAR MOHSEN HASSAN
(ANONYMITY DIRECTION NOT MADE)**

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Mr T Hussain of Counsel, instructed by Halliday Reeves Law Firm

For the Respondent: Mrs R Pettersen, Home Office Presenting Officer

DECISION AND REASONS

1. This is the appellant's appeal against the decision of Judge Henderson made following a hearing at Bradford on 15th December 2016.

Background

2. The appellant is a citizen of Iraq born on 4th May 1996. He entered the UK illegally on 21st December 2015 and claimed asylum.
3. His story is as follows. Prior to his arrival in the UK he had been a member of the Peshmerga as a fighter in Iraq. He was captured by ISIS in 2015 and forced to tell the Peshmerga that he had joined them. They killed two

guards at the border where he was posted. His family was threatened by the families of the dead guards. He managed to escape and was able to leave the country travelling first to Istanbul and then on through Europe to the UK. He believes that he will be persecuted by the Kurdish authorities on his return to Iraq and the authorities would not be willing or able to protect him.

4. The judge concluded that there was no truth in the appellant's claim. She specifically rejected his account of fearing the Peshmerga, and did not accept that he genuinely feared persecution from the Kurdish authorities in the IKR. Whilst the appellant came from a disputed area, he had travelled to the IKR and lived there without any difficulty. She concluded that he could safely relocate to IKR territory. His family, including his parents and his parents-in-law and his wife and child are all living in Erbil. He could reasonably relocate.
5. On that basis she dismissed the appeal.

The Grounds of Application

6. The grounds of application make no challenge to the judge's credibility findings, but argue that the judge's conclusions on internal flight were unlawful.
7. Permission to appeal was granted by Judge Page on 2nd May 2017.
8. On 30th May 2017 the respondent served a reply opposing the appeal.

Submissions

9. Mr Hussain submitted that the judge had erred in concluding that the appellant could reasonably relocate to the IKR because his situation would always be precarious there.
10. He referred me to the head note in the case of AA (Article 15(c)) Iraq CG [2015] UKUT 00544, which states that, at paragraph 19:

"A Kurd who does not originate from the IKR can obtain entry for ten days as a visitor and then renew this entry permission for a further ten days. If he finds employment he can remain for longer although he will need to register with the authorities and provide details of the employer. There is no evidence that the IKR authorities proactively remove Kurds from the IKR whose permits have come to an end."

11. Mr Hussain also referred me to the UK Home Office Country Information and Guidance - Iraq: Return/Internal relocation at paragraphs 8.1.4 and 8.1.5, which confirms that IDPs entering the IKR cannot stay indefinitely and would have to register with the authorities at the airport. They are only able to settle in the KRI temporarily. Whilst Iraqi citizens who originate from the KRI will not face problems returning, those who do not must travel onwards to the area he or she is originally from when arriving through an airport in KRI. The Country Information and Guidance dated

24th December 2014 records that since April 2012 68 Iraqi nationals were returned direct to Iraqi Kurdistan, and only persons who were pre-cleared would be liable for removal under those procedures.

12. Mrs Pettersen defended the determination. She reminded me that the appellant had family in Erbil and he went in and out on a regular basis. In those circumstances the temporary grant of ten days' leave plus a further ten days was reasonable.
13. By way of reply Mr Hussain repeated that it was pure speculation to consider that the appellant could find work within twenty days. To return him to such a precarious position was itself unreasonable.

Findings and Conclusions

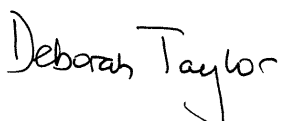
14. The facts of this case are as follows. The appellant has put forward a story which has been found to be false. There is no challenge to the judge's conclusions that the appellant has not told the truth about fearing the families of Peshmerga guards or the KDP or indeed any Kurdish authority on return to Iraq.
15. All of his family are in Erbil including his parents and his partner and child. He therefore not only has cultural and linguistic ties to the IKR but strong family connections there. He will initially be granted a period of ten days' leave and then be able to renew his entry permission for a further ten days. If employment is secured he will be given formal permission to remain. His family links are such that he would be in a very good position to be able to establish himself there during the currency of his temporary permit.
16. The Tribunal in AA made it clear that the issue of relocation to the IKR will be fact-sensitive. Although the appellant does not originate from the IKR his ties there could not be stronger. In these circumstances the original judge did not err in concluding that relocation would be unreasonable.

Decision

The original judge did not err in law. Her decision stands.

No anonymity direction is made.

Signed



Deputy Upper Tribunal Judge Taylor
2017

Date 28 August

