



**Upper Tribunal  
(Immigration and Asylum Chamber)  
PA/06378/2016**

**Appeal Number:**

**THE IMMIGRATION ACTS**

**Heard at Field House**

**On 1 June 2017**

**Decision and Reasons  
Promulgated  
On 6 June 2017**

**Before**

**Upper Tribunal Judge John FREEMAN**

**Between**

**N R A**

**and**

Appellant

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

Respondent

**Representation:**

For the Appellant: Mr S Saeed, solicitor, Aman Solicitors Advocates

For the Respondent: Mr Chris Avery

**DECISION AND REASONS**

1. This is an appeal from Judge Sureta Chana, sitting at Hatton Cross on 8 December 2016 by someone who was born in Iraq in 1981. The appellant, after arriving in this country on a false passport for which she served a prison sentence, claimed asylum, and a crucial question in dealing with that claim was whether she would be returning to Iraq as a lone woman, in terms of the country guidance.
2. The grounds refer to the judge's findings at paragraph 48 where the judge says "however, the appellant is married with a child". When the judge

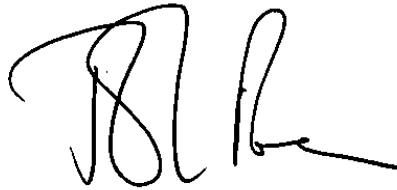
recorded the evidence at paragraph 20 the appellant's evidence on the point is recorded in these terms, "she has an intention to marry him". The slightly unidiomatic phrase suggests a possible mistake, and that can be verified from the judge's very careful note, which shows this exchange in the course of cross-examination:

Q: What are your plans?

A: So far I have no intention of marrying him. He has not been married before.

3. It follows that what the judge actually wrote at paragraph 20 is a, no doubt unintentional, misrecording of that evidence, and may have been the basis for what she said at paragraph 48, which does not represent the evidence before her. In those circumstances both parties are agreed that there will have to be a fresh hearing before another first-tier judge, who will be able to make a clear finding on this point and decide, in terms of the current country guidance, whether the applicant does face any real risk on return as a result.

**Appeal allowed: first-tier decision set aside  
Fresh hearing in First-tier Tribunal, not before Judge Chana**

A handwritten signature in black ink, appearing to be 'JLR', written in a cursive style.

Date: 05/06/2017

(a judge of the Upper Tribunal)