



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

Appeal Number: PA/08691/2016

THE IMMIGRATION ACTS

Heard at Bradford

On 19th December 2017

**Decision & Reasons
Promulgated**

On 23rd January 2018

Before

DEPUTY UPPER TRIBUNAL JUDGE D E TAYLOR

Between

**H H
(ANONYMITY DIRECTION MADE)**

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Miss G Patel of Counsel instructed by Legal Justice Solicitors

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 Veloso made following a hearing at Bradford on 24th January 2017.

Background

2. The appellant is a citizen of Iraq born on [] 1994. He entered the UK on 23rd February 2016 and applied for asylum on the basis that he was a Peshmerga who had abandoned his colleagues in their fight against ISIS.

He feared retribution from them on return. Additionally, he came from Kirkuk which was in a contested area, and he could not safely return there.

3. The judge, in a detailed and thoughtful determination, carefully analysed the appellant's claim and found it to be wholly lacking in credibility. She accepted that he came from Kirkuk but concluded that his evidence that he fled from a combat situation leaving his Peshmerga colleagues was not credible. She found that the appellant had cousins in Erbil who had given him shelter in the past and that he had close family in Sulaymaniyah. She concluded that he could reasonably relocate there and dismissed the appeal.

The Grounds of Application

4. The appellant sought permission to appeal on the grounds that the judge had erred in law in her assessment of the viability of internal relocation. On the judge's own findings, the appellant had established that relocation to Baghdad would be unduly harsh for him. The judge had also failed to deal with the issue of how the appellant would reach the IKR from Baghdad since he does not originate from there and his identity will not have been pre-cleared with the authorities.
5. Permission to appeal was initially refused by Judge Hodgkinson on 23rd May 2017 but granted upon renewal by Upper Tribunal Judge Gill, who observed that the Court of Appeal had replaced the relevant country guidance in its judgment of AA (Iraq) v SSHD [2017] EWCA Civ 944. Insofar as the grounds argued that the judge had erred in applying the country guidance case of AA (Iraq) [2015] UKUT 00544, they were arguable.

Submissions

6. Miss Patel relied on her grounds and submitted that the judge had been unclear in relation to whether she expected the appellant to relocate to Baghdad, had not properly considered how he was expected to reach the IKR from Baghdad and had not assessed whether relocation to the IKR would be unduly harsh in light of the fact that the appellant had no documentation, could not obtain employment there and would be only granted a very short period of leave. She did not rely on any change in country guidance.
7. Mrs Pettersen defended the determination and submitted that the judge had made reasoned findings which were open to her.

Findings and Conclusions

8. The judge did not err in law.
9. First, there is no lack of clarity in this determination. The judge concluded in terms, at paragraph 59:

“For the detailed reasons as set out above, whilst the appellant may encounter some difficulty settling into Baghdad, I find the appellant has shown that relocation to the IKR via Baghdad will not be unreasonable or unduly harsh in the circumstances.”

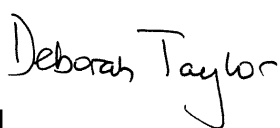
10. It is quite clear that, read as a whole, the judge did not consider that permanent relocation to Baghdad would be reasonable. She set out the difficulties which he would face in Baghdad.
11. There are regular flights from Baghdad to the IKR. There is no suggestion that the appellant would have to travel by land. The fact that the judge did not mention the mode of transport to the IKR is immaterial.
12. The judge considered the issue of return to the IKR in some detail. She observed that he was a military trained driver and therefore would not have difficulty in securing employment. She was entitled to place weight upon the fact that, on her unchallenged findings, the appellant had family members in both Erbil and Sulaymaniyah.
13. The appellant claimed that he did not have a passport. The judge found his evidence in relation to both the passport and the CSID to be not credible. However the appellant did have an original driving licence, a Peshmerga identity card, a national certificate, a letter from the mayor of Kirkuk and a copy of his family's ration card. She was entitled to conclude, that on the basis of the documents which were in his possession, there was no reason why he could not obtain a passport and CSID.
14. The grounds amount to a disagreement with the decision but disclose no arguable error of law.

Notice of Decision

The original judge did not err in law and her decision stands. The appellant's appeal is dismissed.

Direction Regarding Anonymity - Rule 14 of the Tribunal Procedure (Upper Tribunal) Rules 2008

Unless and until a Tribunal or court directs otherwise, the appellant is granted anonymity. No report of these proceedings shall directly or indirectly identify him or any member of their family. This direction applies both to the appellant and to the respondent. Failure to comply with this direction could lead to contempt of court proceedings.



Signed

Date 22 January 2018

Deputy Upper Tribunal Judge Taylor