



**Upper Tribunal
(Immigration and Asylum Chamber)**
PA/10806/2017

Appeal Number:

THE IMMIGRATION ACTS

**Heard at North Shields
On 21st September 2018**

**Decision & Reasons
Promulgated
On 5th October 2018**

Before

DEPUTY UPPER TRIBUNAL JUDGE JM HOLMES

Between

**S. A.
(ANONYMITY DIRECTION MADE)**

Appellant

And

SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Ms Cleghorn, Counsel, instructed by Aman Solicitors

For the Respondent: Mr Duffy, Home Office Presenting Officer

DECISION AND REASONS

1. The Appellant, a citizen of Iraq, entered the United Kingdom by air on 13 May 2017 and claimed asylum on

- the basis that she faced a real risk of honour killing at the hands of members of her family, and, as a single woman would return to Iraq without the support of male family members, and thus face an Article 3 risk of harm. The Respondent refused that claim on 13 October 2017.
2. An appeal against this decision to refuse a protection claim was heard and dismissed by First Tier Tribunal Judge Hands in a decision promulgated on 5 December 2017. In the course of that decision the Judge concluded that the Appellant had not told her the truth. She rejected as untrue the claim that the Appellant was at risk from members of her family, and concluded that with their assistance she could return to Erbil to make a life as the educated professional woman she was.
 3. Permission to appeal was refused against the decision of Judge Hands by Designated Judge McClure on 9 January 2018.
 4. The Appellant renewed her application to the Upper Tribunal, and permission was granted by Deputy Upper Tribunal Judge McGeachy on 5 March 2018 in the following terms;
Although this is a detailed and carefully reasoned ... determination I consider that the grounds of appeal may be arguable insofar as they assert that the judge may have erred in her consideration of the ability of the appellant to internally relocate in Iraq
 5. No Rule 24 Notice has been lodged in response to the grant of permission to appeal. Neither party has applied pursuant to Rule 15(2A) for permission to rely upon further evidence.
 6. Thus the matter came before me.

The hearing

7. When the appeal was called on for hearing Ms Cleghorn was not disposed to accept that the grant of permission was limited to only one of the grounds advanced, although in my judgement that was quite plainly the language used by DUTJ McGeachy. However I do accept that the complaint that the Judge erred in her approach to the issue of internal relocation is a nonsense, if the Judge's adverse credibility findings stand unchallenged. Thus, either DUTJ McGeachy did not intend to grant permission at all, or, he intended a wider grant than his language suggests. That must follow, because as a former resident of Erbil, if the Appellant faces no risk of harm in Erbil, and is on good terms with her family, the question of internal relocation simply does not arise.
8. As DJ McClure had noted when refusing permission to appeal, the Appellant had accepted that she had been

issued with both a passport and a CSID, and the Judge concluded that both were in the possession of her family. Thus the Appellant is able to obtain whilst in the UK both a passport and CSID from her family in Erbil, or, as replacements from the Iraqi authorities, with the assistance of the family, could return to her family fully documented in safety, and then pursue the medical career for which she had trained in Erbil.

9. Two complaints about the credibility findings were raised in the grounds (drafted by the Appellant's former Counsel). First that the Judge had failed to demonstrate that she had considered objective evidence about the prevalence of honour killings, and, second that the Judge had denied the Appellant the opportunity to respond to matters that had been relied upon in reaching her adverse credibility findings.
10. The first complaint plainly has no merit. The Judge's adverse credibility findings did not rely to any degree upon the incidence within the KRG of either "honour", or, gender violence. They were well open to her on the evidence, and adequately reasoned. It is also difficult to see any merit in the second complaint. Of the fourteen reasons given by the Judge for disbelieving the Appellant, criticism is made in this respect of only four. Neither the Appellant, nor her former Counsel, have offered any evidence to substantiate the assertion that these four reasons concerned matters that were never raised in the course of the hearing. Moreover it is plain from the decision that the Judge would have reached exactly the same overall conclusion that the Appellant was pursuing a fictitious account, had no reference been made to these four reasons. They are plainly very far from being determinative.
11. It follows that I dismiss the appeal. I am satisfied, and Ms Cleghorn did not seek to persuade me otherwise, that the other two complaints raised in the grounds simply fall away as without substance. The Judge's decision is consistent with the current country guidance to be found in AAH (Iraqi Kurds - internal relocation) Iraq CG [2018] UKUT 212 and AA (Iraq) [2017] EWCA Civ 944 and BA (Returns to Baghdad) Iraq CG [2017] UKUT 18. As the Judge found, the Appellant did not rely upon any "family life" formed in the UK, and the evidence did not establish any "private life" had been created of any consequence, sufficient to engage Article 8 [58]. Even if it did, it was plainly proportionate to remove the Appellant in the light of the relevant public interest in doing so, in the light of the adverse credibility findings

because she would be returning to a professional career and her family in Erbil.

DECISION

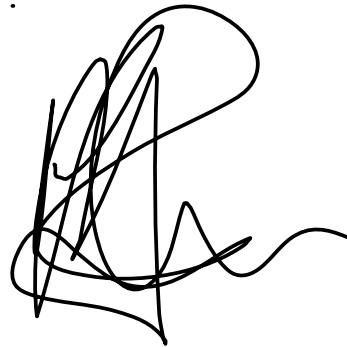
The Determination of the First Tier Tribunal which was promulgated on 5 December 2017 contained no error of law in the dismissal of the Appellant's appeal which requires that decision to be set aside and remade, and it is accordingly confirmed.

Direction regarding anonymity - Rule 14 Tribunal Procedure (Upper Tribunal) Rules 2008

Unless and until the Tribunal directs otherwise the Appellant is granted anonymity throughout these proceedings. No report of these proceedings shall directly or indirectly identify him. This direction applies both to the Appellant and to the Respondent. Failure to comply with this direction could lead to proceedings being brought for contempt of court.

Signed

Deputy Upper Tribunal Judge JM Holmes
Dated 21 September 2018

A handwritten signature in black ink, appearing to be 'JM Holmes', written in a cursive style with a large loop at the top and a long tail extending to the right.