



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

Appeal Number: PA/01848/2018

**THE IMMIGRATION ACTS**

**Heard at Bradford**

**On 9 September 2019**

**Decision & Reasons  
Promulgated**

**On 19 November 2019**

**Before**

**UPPER TRIBUNAL JUDGE LANE**

**Between**

**DAM**

**(ANONYMITY DIRECTION MADE)**

Appellant

**and**

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

Respondent

**Representation:**

For the Appellant: Mr Hussain, instructed by Bankfield Heath, solicitors

For the Respondent: Mr Diwnycz, Senior Home Office Presenting Officer

**DECISION AND REASONS**

1. The appellant was born in 1991 and is a male citizen of Iraq. He appealed to the First-tier Tribunal against a decision of the Secretary of State dated 24 January 2018 refusing to grant him international protection. The First-tier Tribunal in a decision promulgated on 17 April 2019, dismissed the appeal. The appellant now appeals, with permission, to the Upper Tribunal.
2. I find that the decision of the First-tier Tribunal should be set aside. My reasons are as follows. The judge accepted that the appellant could not return to his home area of Iraq, Kirkuk [103]. The appeal, therefore, turned on the question of internal flight. The judge found [113] that the appellant has a father and older brother in Iraq who would be able to assist him to 'obtain the necessary documentation and with accommodation and employments (*sic*).' At [115], the judge found that the expert witness in the appeal, Dr George, did not contradict the judge's conclusion that the appellant would be able to relocate to the IKR; Dr George had found that the authorities in the IKR would be unable/unwilling to offer protection to the appellant claimed to be the subject of a blood feud, a claim which the judge found was not credible.
3. Whilst I have no reason at all to interfere with the judge's finding as regards the appellant's claim to be involved in the blood feud, I disagree with the judge that Dr George's evidence offers no support to the appellant's claim that he could not relocate to the IKR. Dr George found that the Baghdad-based authorities would be unable/unwilling to extend effective protection to the appellant. That is an observation which is in line with the existing country guidance of *AA (Iraq)* [2017] EWCA Civ 944 and *AAH (Iraqi Kurds - internal relocation)* Iraq CG UKUT 00212 (IAC). Although the judge found that the appellant's lack of credibility led him to conclude that the appellant may have a passport [108], the judge fails to explain clearly how the appellant's father and brother, who are not living in Baghdad, would enable him to obtain a CSID before the appellant enters Iraq through Baghdad. Given this lacuna in the analysis, it is likely that the appellant would enter Baghdad without a CSID or the immediate prospect of transferring directly by air to the IKR (both parties are agreed that the appellant would be unable to access the IKR overland from the capital). It was necessary in this instance for the judge to analyse in detail the various stages of the appellant's relocation to the IKR; it was, with respect, not enough for the judge to observe that the appellant would have a significant amount' of family support in Iraq without determining how that support would in practice provide the appellant with the documentation (in particular, a CSID) which he would require immediately upon entry to Baghdad in order to avoid being exposed to a real risk of harm.
4. In the circumstances, I set aside the decision. Further, in the light of what I have said above, I find that, notwithstanding presence in Iraq of family members, there is a real risk that the appellant would be exposed to harm during any period he might remain in Baghdad, the city to which the Secretary of State proposes to return him. That risk arises because I find that it is not reasonably likely that the appellant will have in his possession upon entry to Baghdad the necessary documentation to enable him to

access state support and other services. It follows that he should be granted humanitarian protection. The appellant should be aware, however, that the position is likely to change possibly in the short term. The period of any grant of humanitarian protection remains a matter for the Secretary of State.

### **Notice of Decision**

The decision of the First-tier Tribunal set aside. I have re-made the decision. The appeal of the appellant against the decision of the Secretary of State dated 24 January 2018 is allowed on humanitarian protection grounds.

Signed

Date 2 November 2019

Upper Tribunal Judge Lane

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

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