



**Upper Tribunal  
(Immigration and Asylum Chamber)  
PA/10499/2016**

**Appeal Number:**

**THE IMMIGRATION ACTS**

**Heard at Liverpool  
On 9 February 2018**

**Decision & Reasons  
Promulgated  
On 16 February 2018**

**Before**

**Deputy Upper Tribunal Judge Pickup**

**Between**

**Halo Azad Ramzan**  
[No anonymity direction made]

Appellant

**and**

**Secretary of State for the Home Department**

Respondent

**Representation:**

For the appellant: Mr M Schwenk, instructed by Broudie Jackson Cantor  
Solicitors

For the respondent: Mrs H Aboni, Senior Home Office Presenting Officer

**DECISION AND REASONS**

1. This is the appellant's appeal against the decision of First-tier Tribunal Judge Williams promulgated 21.6.17, dismissing on all grounds his appeal against the decision of the Secretary of State, dated 22.4.16, to refuse his protection claim.
2. First-tier Tribunal Judge Macdonald granted permission to appeal on 27.9.17.
3. Thus the matter came before me on 9.2.18 as an appeal in the Upper Tribunal.

## Error of Law

4. For the reasons summarised below, I found no error of law in the making of the decision of the First-tier Tribunal sufficient to require the decision to be set aside.
5. The essence of the protection claim was the appellant's fear of ISIS, claiming to have been threatened for not joining them, as well as a fear of his former wife's family, who had threatened and tried to kill him following their divorce.
6. Judge Williams found that the appellant is still married to his wife, and she is within the IKR with her influential family. The judge also found that the appellant was of no specific adverse interest to ISIS. Whilst it was accepted that his home area of Tuz Khormato remained a contested area, so that it would not be reasonable to expect him to return there, the Judge concluded that based on his Kurdish ethnicity, he would be able to return to Baghdad and internally relocate from there to the IKR.
7. The grounds of application for permission to appeal to the Upper Tribunal follow on from each other and assert that the judge:
  - (a) Made perverse irreconcilable findings regarding the appellant's wife, so that the finding that she was in the IKR cannot stand;
  - (b) Failed to give adequate reasons for finding that the appellant would be reasonably likely to find employment in the IKR;
  - (c) Failed to follow the Upper Tribunal decision in AA (Article 15(c) CG [2015] UKUT 544 (IAC) when concluding that the appellant could be admitted to the IKR, when internal flight is "an impossibility."
8. There is no merit in any of these grounds.
9. At [30] the judge concluded that it was not reasonably likely the appellant's former wife's family attacked him, setting out between [31] and [35] the reasons supporting that conclusion. As part of that, at [34], the judge noted inconsistencies in the evidence as to where the appellant was living after his wife relocated to Kurdistan in November 2014. The judge also concluded that the appellant was still married, not divorced and rejected the claimed grounds for divorce. None of that is inconsistent with the finding at [45] that the appellant's wife had relocated to the IKR and that the support of his wife and her influential family made it reasonable for him to relocate there. It is a misconstruction of the decision of the First-tier Tribunal to suggest, at [6] of the grounds, that the evidential basis for concluding that the wife had moved to the IKR had been rejected as untruthful. The decision does not state that the judge rejected that part of the appellant's claim and it is clear that judge proceeded throughout on the basis that she had.
10. The complaint in the second ground is that at [45] the judge failed to give adequate reasons for finding that the appellant would be reasonably likely

to find employment in the IKR. The third ground is an extension of the first two grounds, asserting that the judge made a material error in respect of the feasibility of relocation to the IKR.

11. As the appellant is not from the IKR he will not be able to return directly to the IKR with pre-clearance.
12. The judge accepted that it would not be reasonable to expect the appellant to relocate within Baghdad, but found that he would be able to travel on and internally relocate within the IKR. It follows that he would first have to be returned to Baghdad, which can only happen if return is feasible.
13. On reading [74] of the RFR, it is not entirely clear whether the Secretary of State position is that the appellant's return is feasible. However, at [78] it is pointed out that in interview the appellant produced a coloured copy of his citizenship card and Personal Status Identification paper, copies of which are in the respondent's bundle and which appears to me to be his CSID. With these documents would certainly be sufficient to enable him to apply to the Iraqi embassy for a passport or laissez-passer. Reference is made to the outset of the substantive asylum interview where he produced these documents along with the envelope in which they were sent to him by his family in Iraq. It follows that return is feasible, with that information he will be able to obtain a laissez-passer. With a CSID, or the ability to get one shortly after arrival in Iraq, he will be able to access state support. Even if he does not have travel documents and return is not feasible, the CG provides that a protection claim cannot succeed on the grounds of risk of harm arising from a lack of Iraqi ID.
14. It would have been better if Judge Williams had addressed this within the decision, but the omission is not in fact material to the outcome of the appeal.
15. Relocation to the IKR is addressed at [20] of the (amended) country guidance, see AA (Iraq) [2017] EWCA Civ 944, which states that whether, if returned to Baghdad, the appellant can reasonably be expected to avoid any potential undue harshness in that city by travelling to the IKR, which will be fact sensitive; and is likely to involve an assessment of (a) the practicality of travel from Baghdad to the IKR (such as to Irbil by air); (b) the likelihood of securing employment in the IKR; and (c) the availability of assistance from family and friends in the IKR. The guidance also indicates that ethnic Kurds are able to gain temporary admission to the IKR and none have been removed. These matters were addressed by Judge Williams within the decision.
16. As drafted, the grounds effectively deny that the appellant will have the support of his wife and her influential family on relocation to the IKR, contrary to the findings of the judge, and it is on the same basis that it is also argued that the judge erred by finding relocation to the IKR reasonable. However, the judge found that on the basis of his Kurdish ethnicity the appellant will be able to return to Baghdad and make his way

from there to the IKR. As Mr Schwenk acknowledged, there are daily scheduled flights from Baghdad to Erbil. It is even possible to purchase flights from the UK to Erbil, travelling via Baghdad. The appellant will be able to be returned to Baghdad and, even though it is not reasonable to expect him to relocate there, at the most the appellant will be a transit passenger at Baghdad Airport. After gaining entry to the IKR the judge found he would have the support of his wife and her influential family. The judge might also have added that he had documentation that was his CSID or would enable him to obtain a replacement. I am satisfied that on the evidence and the CG, the findings of the judge were fully open to him and properly reasoned.

### *Decision*

17. For the reasons set out above, I find that the making of the decision of the First-tier Tribunal did not involve the making of an error on a point of law such that the decision should be set aside.

I do not set aside the decision.

The decision of the First-tier Tribunal stands, and the appeal remains dismissed on all grounds.



**Signed**

**Deputy Upper Tribunal Judge Pickup**

### **Anonymity**

I have considered whether any parties require the protection of any anonymity direction. No submissions were made on the issue. The First-tier Tribunal did not make an order pursuant to rule 13(1) of the Tribunal Procedure Rules 2014.

There was no request for anonymity. Given the circumstances, I make no anonymity order.

### **Fee Award**

**Note: this is not part of the determination.**

In the light of my decision, I have considered whether to make a fee award pursuant to section 12(4)(a) of the Tribunals, Courts and Enforcement Act 2007. I have had regard to the Joint Presidential Guidance Note: Fee Awards in Immigration Appeals (December 2011).

I make no fee award.

*Reasons:* The appeal has been dismissed and thus there can be no fee award.

A handwritten signature in black ink, appearing to read 'Pickup', written in a cursive style.

**Signed  
Deputy Upper Tribunal Judge Pickup**