



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

Appeal Number: PA/13592/2018

**THE IMMIGRATION ACTS**

**Heard at FIELD HOUSE  
On 16 April 2019**

**Determination & Reasons  
Promulgated  
On 23 April 2019**

**Before**

**DEPUTY JUDGE OF THE UPPER TRIBUNAL  
G A BLACK**

**Between**

**MR AHMAD MAHMOOD RASOOL  
NO ANONYMITY ORDER MADE**

Appellant

**and**

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

Respondent

**Representation:**

For the Appellant: Ms Harper (Counsel)

For the Respondent: Mr E Tufan (Home Office Presenting Officer)

**ERROR OF LAW DECISION AND REASONS**

1. This is an error of law hearing. The appellant appeals the decision of the First Tier Tribunal (Judge N Lodge) (FTT) promulgated on 15.2.2019 in which the appellant's protection claim was dismissed.

### **Background**

2. The appellant is a citizen of Iraq. He appealed the decision of the respondent dated 18.11.2018 in which his claim for protection on political grounds was refused. The appellant claimed that he was a former Ba'ath Party member and that he was involved in an ongoing blood feud with a tribal leader Jalal Kehhi Rafiq (JKR).

### **Grounds of appeal**

3. In grounds of appeal the appellant argued that the FTT erred by failing to consider the expert report from Dr George as to the identity of JKR which was dealt with in the report. The role of JKR went to the core of the appellant's claim.
4. The FTT failed to make any findings as to the appellant's health issues of a diagnosis of Chronic Obstructive Pulmonary Disorder (COPD) pursuant to **AAH** (Iraqi Kurds - internal relocation) Iraq CG UKUT 212 (IAC).

### **Permission to appeal**

5. Permission to appeal to the Upper Tribunal (UT) was granted by FTJ Grant-Hutchison on both grounds.

### **Discussion and conclusion**

6. At the hearing before me I indicated that I took the view that the grounds of appeal had been made out and that the failure to properly consider the content of the expert report was a material error given that the identity of JKR went to the core of the appellant's claim. I was also satisfied that the FTT failed to make any findings in relation to the appellant's individual circumstances in particular his diagnosis of COPD. In light of my indication neither Mr Tufan or Ms Harper made further submissions.

### **Decision**

7. There is a material error of law in the decision which shall be set aside. I remit the appeal to the First-tier Tribunal (excluding FTJ N . Lodge) for a hearing de novo.

Signed  
GA Black  
Deputy Judge of the Upper Tribunal

Date 17.4. 2019

NO ANONYMITY ORDER  
NO FEE AWARD

Signed  
GA Black  
Deputy Judge of the Upper

Date 17.4.2019