



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

Appeal Number: PA/14156/2018

**THE IMMIGRATION ACTS**

**Heard at Bradford  
On 13 June 2019**

**Decision & Reasons Promulgated  
On 3 July 2019**

**Before**

**UPPER TRIBUNAL JUDGE LANE**

**Between**

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

Appellant

**and**

**MRYAN [A]  
(ANONYMITY DIRECTION NOT MADE)**

Respondent

**Representation:**

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

For the Respondent: Ms Pickering, instructed by Parker, Rhodes Hickmotts

**DECISION AND REASONS**

1. I shall refer to the appellant as the 'respondent' and the respondent as the 'appellant', as they appeared respectively before the First-tier Tribunal. The appellant was born on 1 July 1964 and is a female citizen of Iraq. She appealed to the First-tier Tribunal against the decision of the respondent dated 6 December 2018 refusing her international protection. The First-tier Tribunal, in a decision promulgated on 20 March 2019, allowed her appeal. The respondent now appeals, with permission, to the Upper Tribunal.
2. There is one ground of appeal. The Secretary of State submits that the judge erred in law by following country guidance (*AA (Iraq)* [2017] EWCA

Civ 944 and *AAH* (Iraqi Kurds - internal relocation) CG UKUT 212 (IAC)). The Secretary of State argues that Kirkuk, the appellant's home area, is now safe.

3. The judge considered the question of the departing from the existing country guidance [56-58]. He took into account the expert evidence of Dr Fatah and the most recent Home Office Policy Note (at paragraph 6.3.15). He concluded security situation in Kirkuk had not changed significantly or durably since the assessment of risk carried out by the Upper Tribunal in *AAH*. I find the grounds are no more than a disagreement with that carefully considered and reasoned judgement by the First-tier Tribunal. The judge was not only entitled to follow the country guidance; he was only required to depart from it if he found that there was cogent evidence of a durable change in circumstances in the appellant's home area of Iraq. He found that there was no such evidence and I am satisfied that he considered all relevant material in reaching that judgement. In the circumstances, the appeal of the Secretary of State is dismissed.

### **Notice of Decision**

The Secretary of State's appeal is dismissed.

Signed

Date 26 June 2019

Upper Tribunal Judge Lane