



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

Appeal Number: PA/13300/2018

THE IMMIGRATION ACTS

**Heard at Cardiff Civil Justice Centre
On 30th January 2020**

**Decision & Reasons Promulgated
On 5th February 2020**

Before

UPPER TRIBUNAL JUDGE COKER

Between

**MJ
(anonymity order made)**

Appellant

And

SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Mr Lee, instructed by Garth Coates Solicitors
For the Respondent: Ms Rushforth, Senior Home Office Presenting Officer

DETERMINATION AND REASONS

Pursuant to Rule 14 of the Tribunal Procedure (Upper Tribunal) Rules 2008 (SI 2008/269) I make an anonymity order. Unless the Upper Tribunal or a Court directs otherwise, no report of these proceedings or any form of publication thereof shall directly or indirectly identify the appellant in this determination identified as MJ. This direction applies to, amongst others, all parties. Any failure to comply with this direction could give rise to contempt of court proceedings

1. Deputy Upper Tribunal Judge J F W Phillips set aside the decision of First-tier Tribunal Judge Povey for reasons set out in a determination promulgated on 9th August 2019. The judge preserved the finding that the appellant was at real risk of being persecuted for a Convention reason in Baghdad and its environs.
2. The only issue before me was whether the appellant could, with her husband and young child, internally relocate to Basra and Article 8.
3. Ms Rushforth conceded that in the light of the country guidance decision of *SMO, KSP & IM (Article 15(c); identity documents) Iraq* CG [2019] UKUT 00400 (IAC), the respondent accepted that in order to relocate to Basra the appellant and her family would require a sponsor, which was not, on the evidence, available. She accepted that for this reason the appeal should be allowed.
4. Mr Lee submitted that there were other reasons why internal relocation was not a realistic option but, given the respondent had conceded the appeal, he did not consider it necessary to advance them before me. I agreed.
5. In conclusion, I am satisfied the appellant is a refugee and her appeal against the decision of the respondent refusing her international protection is allowed.

Conclusions:

The making of the decision of the First-tier Tribunal did involve the making of an error on a point of law.

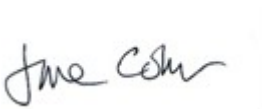
The decision of the First-tier Tribunal is set aside and remade and allowed.

Anonymity

The First-tier Tribunal made an order pursuant to rule 13 of the Tribunal Procedure (First-tier Tribunal) (Immigration and Asylum Chamber) Rules 2014.

I continue that order (pursuant to rule 14 of the Tribunal Procedure (Upper Tribunal) Rules 2008).

Date 3rd February 2020



Upper Tribunal Judge Coker