



**Upper Tribunal
(Immigration and Asylum Chamber)
PA/07648/2016**

Appeal Number:

THE IMMIGRATION ACTS

Heard at Manchester

On June 30, 2017

**Decision &
Promulgated**

On July 4, 2017

Reasons

Before

DEPUTY UPPER TRIBUNAL JUDGE ALIS

Between

**MR HISMADDEN AHMED
(ANONYMITY DIRECTION NOT MADE)**

Appellant

And

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Unrepresented

For the Respondent: Mr McVeetie (Senior Home Office Presenting Officer)

DECISION AND REASONS

1. I do not make an anonymity order under rule 14 of the Tribunal Procedure (Upper Tribunal) Rules 2008 (SI 2008/2698 as amended).
2. The appellant is a national of Iraq. He entered this country on January 24, 2016 and claimed asylum the following day. His application was refused by the respondent on July 15, 2016 under paragraphs 336 and 339F/339M HC 395. The appellant appealed that decision on July 27, 2016 under section 82(1) of the Nationality, Immigration and Asylum Act 2002 and his appeal came before Judge of the First-tier Tribunal O Williams (hereinafter called

the Judge) on November 25, 2016 and in a decision promulgated on December 16, 2016 he dismissed the appellant's appeal on all grounds.

3. The appellant's former representatives appealed that decision on January 4, 2017 inviting the Tribunal to consider the appeal in line with judgment in Robinson. Judge of the First-tier Tribunal Page found there was an arguable error in law on March 24, 2017. In a Rule 24 response the respondent appeared to concede an error but asked for an oral hearing.
4. The matter came before me on the above date.
5. The appellant was unrepresented and asked me to find an error in law based on the fact he would be at risk were he to be returned. I explained to him that this was not a re-hearing of his original appeal but was in fact a hearing about whether the original Judge had made a mistake.
6. I pointed out to him that Judge of the First-tier Tribunal Page had suggested there may be an error as internal relocation had possibly not been properly considered.
7. Mr McVeetie did not adopt the Rule 24 letter but stated that the Judge accepted the appellant was a Christian convert and that whilst he would not be safe in Baghdad he would be safe in the IKR-a point conceded by his original representative. He submitted that being a convert had been considered by the Judge and the Judge had concluded at paragraph [43] of his decision that the appellant would not be at risk in the IKR for this reason. The secondary issue was risk from S's (alleged girlfriend) family who had connections with the KDP. The Judge rejected this aspect of the claim and consequently there was no risk on return to the IKR. Finally, being a member of the PUK in the IKR would not place him at risk.

FINDINGS

8. Permission to appeal had been given in this case as the Judge felt it was arguable internal relocation had not been considered.
9. I am satisfied that internal relocation was not an issue for the Judge in this appeal.
10. The appellant came from the IKR region and his fear of persecution arose from his conversion to Christianity, the threat posed by his girlfriend's family who had links to the KDP and his PUK membership.
11. During the original hearing the Judge recorded the appellant's representative's concession at paragraph [11] of his decision that the appellant's conversion to Christianity would not pose a risk to him unless he went to live in Baghdad. As he could return to the IKR internal relocation was not an issue for the Judge.
12. The appellant's fear of his girlfriend's family was dealt with by the Judge between paragraphs [29] and [37] of his decision. The Judge rejected his claim to have been in a relationship with S and he went on to find that he

would not be of any interest to her family who were members/supporters of the KDP. He could therefore live in the IKR. This finding was not appealed and the issue of internal relocation is therefore not an issue.

13. The final issue surrounded his own membership of the PUK. The Judge had accepted he was a member of the PUK but as return would be to the IKR there was no risk.
14. The granting of permission appears misconceived and whilst I noted the appellant maintains he would be at risk I am satisfied there was no error in law.

DECISION

15. There was no error in law and the original decision shall stand.

Signed

Date June 30, 2017

Deputy Upper Tribunal Judge Alis

**FEE AWARD
TO THE RESPONDENT**

I make no fee award as I have dismissed the appeal

Signed

Date June 30, 2017

Deputy Upper Tribunal Judge Alis