



Upper Tribunal
(Immigration and Asylum Chamber)

Appeal Number: PA/01624/2016

THE IMMIGRATION ACTS

Heard at Field House
On 16th August 2018

Determination Promulgated
On 24th August 2018

Before

UPPER TRIBUNAL JUDGE COKER

Between

KK
(ANONYMITY ORDER MADE)

Appellant

And

SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Mr M Mohzam, instructed by Burton and Burton solicitors
For the Respondent: Mr T Melvin, 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 KK. This direction applies to, amongst others, all parties. Any failure to comply with this direction could give rise to contempt of court proceedings

1. By consent, I set aside the decision of First-tier Tribunal Thomas, it being agreed the judge had materially erred in law in reaching his conclusion that the appellant was not at real risk of being persecuted if removed to Iraq.
2. Before me, and in the context of the unchallenged findings of fact by the First-tier Tribunal Judge and in the light of *AAH (Iraqi Kurds – internal*

relocation) Iraq CG [2018] UKUT 00212(IAC), Mr Melvin on behalf of the Secretary of State acknowledged that the appeal had to be allowed.

Conclusions:

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

I set aside the decision.

I re-make the decision in the appeal by allowing it.

Anonymity

The First-tier Tribunal made an order pursuant to rule 45(4)(i) of the Asylum and Immigration Tribunal (Procedure) Rules 2005.

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

Date 16th August 2018



Upper Tribunal Judge Coker