



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

PA/05109/2016

Appeal Number

THE IMMIGRATION ACTS

Heard at Manchester  
On 27<sup>th</sup> November 2018

Decision and Reasons Promulgated  
On 12<sup>th</sup> December 2018

Before

DEPUTY UPPER TRIBUNAL JUDGE PARKES

Between

KARZAN [W]  
(ANONYMITY DIRECTION NOT MADE)

Appellant

And

SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

For the Appellant: Ms N Wilkins (Counsel)  
For the Respondent: Mr Diwnycz (Home Office Presenting Officer)

DETERMINATION AND REASONS

1. The Appellant claimed asylum on the basis of a blood feud in the IKR. His application having been refused by the Secretary of State for the reasons given in the Refusal Letter of the 6<sup>th</sup> of May 2016 the Appellant appealed. The appeal was first heard by First-tier Tribunal Judge Fox in February 2017 and dismissed but that decision was set aside. The appeal was remitted to the First-tier Tribunal and heard by First-tier Tribunal Judge Alis at Manchester on the 26<sup>th</sup> of April 2018 and dismissed for the reasons given in the decision promulgated on the 3<sup>rd</sup> of May 2018.
2. The Appellant sought permission to appeal in grounds of the 8<sup>th</sup> of May asserting that the Judge had not dealt adequately with the evidence of the supporting witness and the information in support of the blood feud. Initially refused permission was granted by the Upper Tribunal on the

basis that it was arguable that the Judge had erred at paragraph 66 of the decision and that there had been supporting evidence, oral and written and there was no evidence the witness had been cross-examined.

3. At the hearing the Appellant was represented by counsel who had been instructed through Public Access. In the course of the hearing I referred to the cross-examination of the Appellant's supporting witness which is set out in the Judge's Record of Proceedings in the First-tier Tribunal file, it is clear from the Record of Proceedings that the witness's motivation had been questioned. It was confirmed by Mr Diwnycz that the Tribunal's Record of Proceedings of the witness's cross-examination matched the record held by the Home Office.
4. Ms Wilkins submitted that the challenge was in respect of paragraph 66 and that the Judge had not given adequate reasons for rejecting the evidence when there was a detailed witness statement, the witness knew the Appellant needed help and that put his motivation in a different light. There was no consideration of his interaction with the Appellant's family and there was an unusual level of detail.
5. For the Home Office Mr Diwnycz apologise for the lack of a rule 24 reply. There is no policy to forcibly remove to the IKR, such removals are to Baghdad, AAH is the main case. It is the Secretary of State's case that ethnic Kurds can relocate to the IKR. The Judge had not required corroboration but observing that supporting evidence could have been produced, TK (Burundi). Credibility was a matter for the Judge, there could be something in the Appellant's submissions if the matter had arisen afterwards.
6. Decisions are not intended to be, and do not need to be, comprehensive recitation of the facts and documentation. The parties know what their case is about, the evidence presented and relied on and the arguments being raised. The decision should show that the Judge was aware of the case and should give sufficient reasons to show that the fundamental issues had been considered and why the particular decision had been reached. As evidence is to be considered in the round there is no specified order in which evidence is to be addressed in a decision.
7. In this decision the Judge set out the law at paragraphs 5 to 14 followed by a summary of the evidence available, the preliminary issue raised and the Appellant's case with the evidence given at the hearing. The evidence of Mr Maged was summarised at paragraph 42 which started with his having adopted his witness statement before being questioned.
8. The Appellant's identity and his having worked for the Peshmerga as a medic was accepted and the Judge found also that the Appellant had a CSID card available to him. The reasons for rejecting the claimed blood feud are set out at paragraphs 61 to 66. In paragraph 63 the Judge gave as one reason for rejecting there being a blood feud the fact that there had been no incidents in the preceding 3 years contrasting the Appellant's evidence of a similar feud leading to the deaths of 8 people. This was developed in paragraph 64 with the suggestion of threats against the Appellant's father being contrasted with nothing actually being done.
9. Paragraph 66 dealt with the evidence of the witness and that has to be read in the context of the preceding findings. There was no supporting evidence such as photographs and the Judge could have observed that nothing had been provided in writing by the Appellant's family. The evidence of the claimed conversation with the Appellant's father had effectively been rejected by the Judge in the preceding paragraphs with the findings of the continued absence of any evidence that the family had actually suffered in any physical way.

10. The criticisms of paragraph 66 work if taken out of context. Perhaps the Judge could have said more about the evidence but given the other observations about the evidence and this aspect of the claim made the reasons given are sufficient. It is clear from the summary of the evidence that the Judge was aware of the contents of the witness statement and had effectively considered what was claimed about the continued fear and had made findings on that issue. The decision has to be read fairly and as a whole and in the circumstances the findings made were open to the Judge for the reasons given.

## **CONCLUSIONS**

The making of the decision of the First-tier Tribunal did not involve the making of an error on a point of law.

I do not set aside the decision.

### **Anonymity**

The First-tier Tribunal did not make an order pursuant to rule 45(4)(i) of the Asylum and Immigration Tribunal (Procedure) Rules 2005 and I make no order.

### **Fee Award**

In dismissing this appeal I make no fee award.

A handwritten signature in black ink, appearing to read 'M Hanks'. The signature is written in a cursive style with a large, stylized 'M' at the beginning.

Signed:  
Deputy Judge of the Upper Tribunal (IAC)

Dated: 7 December 2018