



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

Appeal Number: PA/08657/2017

THE IMMIGRATION ACTS

**Heard at Field House
On 29 November 2018**

**Decision & Reasons Promulgated
On 12 December 2018**

Before

**THE HONOURABLE LORD MATTHEWS
UPPER TRIBUNAL JUDGE KING TD**

Between

AJM

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Ms F Allen, Counsel instructed by Popitiya & Co, Solicitors
For the Respondent: Mr I Jarvis, Senior Home Office Presenting Officer

DECISION AND REASONS

1. This is the appeal of AJM. His details will remain anonymous on the usual terms.
2. He seeks permission to appeal against a decision of First-tier Tribunal Judge Keane who, in a Decision and Reasons promulgated on 24 September 2018, dismissed his appeal against the Secretary of State's decision to make a deportation order against him and he was ordered to return to Iraq, specifically the IKR.
3. The broad outline of this is that the appellant said that he fell into a relationship with a young woman in Iraq. Her family did not approve of

that. He was assaulted with a knife and he escaped, in due course, arriving in the United Kingdom. He received word at a later stage that the young woman's family murdered her and he feared for his life if he returned.

4. The first of his contentions was accepted by the First-tier Tribunal, but nonetheless, it was held that he could return to Iraq, there being a sufficiency of protection available to him. Thus his protection claim was refused. However, it has been agreed before us today in this appeal against that decision, that there are a number of errors of law. In the first place, the decision took some time to be promulgated, some three months or so, and between hearing the case and the promulgation of the decision the latest country guidance case of AAH (Iraqi Kurds - internal relocation) Iraq CG [2018] UKUT 212 was promulgated and that has changed the landscape. The extent to which it has done so will be a matter for discussion in due course. However, it is quite clear that the sufficiency of protection was not properly considered, nor was the question of internal relocation, or the ability or otherwise of the appellant to obtain essential documentation, principally a CSID (Citizen's Status Identity Document).
5. We agree with the parties that these are matters which are material to the decision. We are not satisfied that there has in essence been a proper consideration of the appellant's claim and we therefore set aside the decision. We do not want to say any more about the facts since we have decided that the matter should be remitted to the First-tier Tribunal, except to say that the primary findings of fact will be maintained. The real issue is, as we say, the sufficiency of protection, the question of internal relocation and the ability of the appellant to obtain the necessary documentation which will assist him if he returns.

Notice of Decision

6. The decision of the First-tier Tribunal is set aside. The matter is remitted to the First-tier Tribunal with the findings of primary fact maintained.

Direction Regarding Anonymity - Rule 14 of the Tribunal Procedure (Upper Tribunal) Rules 2008

Unless and until a Tribunal or court directs otherwise, the appellant is granted anonymity. No report of these proceedings shall directly or indirectly identify him or any member of his family. This direction applies both to the appellant and to the respondent. Failure to comply with this direction could lead to contempt of court proceedings.



For LORD MATTHEWS
Sitting as an Upper Tribunal Judge
(Immigration and Asylum Chamber)

Appeal Number: PA/08657/2017

Date: 7th Dec 2018