



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

Appeal Number: PA/09637/2018

**THE IMMIGRATION ACTS**

**Heard at Bradford**

**On 12 March 2019**

**Decision & Reasons  
Promulgated**

**On 28 March 2019**

**Before**

**UPPER TRIBUNAL JUDGE LANE**

**Between**

**MH  
(ANONYMITY DIRECTION MADE)**

Appellant

**and**

**THE SECRETARY OF STATE FOR THE HOME DEPARTMENT**

Respondent

**Representation:**

For the Appellant: In person

For the Respondent: Mr Mills, Senior Home Office Presenting Officer

**DECISION AND REASONS**

1. The appellant was born on 2 July 1992 and is a male citizen of Iraq. By a decision dated 19 July 2018, the Secretary of State refused the appellant's application for international protection. He appealed to the First-tier Tribunal which, in a decision promulgated on 17 September 2018, dismissed the appeal. He now appeals to the Upper Tribunal.
2. There is a single ground of appeal. The appellant was found by the judge [49] to be a genuine convert to Christianity. The judge found that the appellant would be able to return to the Independent Kurdish Region (IKR)

where, as a Christian convert, he does not face the real risk of persecution or ill-treatment contrary to Article 3 ECHR. The appellant challenges the judge's finding on the basis summarised by Judge Kebede in her grant of appeal:

Arguably, the judge failed to consider material country information relating to converts to Christianity, focusing solely on the information relating to those born into the faith. All grounds may be argued.

3. At the initial hearing at Bradford on 12 March 2019, the appellant attended. He was not legally represented. I was careful to explain the procedures of the Tribunal to him and I gave him an opportunity to put his case in full to me. He spoke English and I was satisfied that he understood what I and Mr Mills, who appeared the Secretary of State, said in court.
4. I find that the appeal should be dismissed. The grounds of appeal rely on country material dealing with the treatment of converts from Islam to Christianity (i.e. apostates). The name 'Iraq' is used in that material without distinguishing those areas of Iraq in the control of the government in Baghdad and those which form part of the former territory of Iraq now known as the IKR. It is clear that the judge drew a distinction between the treatment of converts inside and outside the IKR. At [67], he wrote;

"Overall, therefore, taking the country background information before me in the round, I conclude that the position in general in relation to Christian converts **in the IKR** is that they will not face treatment which amounts to persecution or serious harm from the state or by non-state actors. I find that this includes evangelical Christians who proselytise." **[the judge's emphasis]**
5. The grounds complain that the judge confused the position of converts with those who were born into the Christian faith. What the grounds ignore is the distinction made by the judge between the treatment of Christians generally, both those born into the faith and converts, in the IKR and elsewhere in Iraq. This distinction was of vital importance in this appeal because of the findings which the judge made at [71]. The judge accepted that the appellant would be removed to Baghdad. However, he rejected the appellant's claim that he could not access his CSID. On the contrary, the judge found that he would be able to rely upon his family to reunite him with his CSID and passport 'so that he will be able to travel onto the IKR from Baghdad without any real delay.' That findings not been challenged in grounds of appeal to the Upper Tribunal. It means that the appellant will not be exposed to real risk in Baghdad (see *AA (Iraq)* [2017] EWCA Civ 944). It also means that the judge's findings, specifically dealing with converts to Christianity and relating only to the IKR are legally sound, being based upon a rational analysis of the country material. I find that the judge has reached a conclusion in this appeal which was available to him on all the evidence that he has not erred in law for the reasons advanced in the grounds of appeal or at all.

**Notice of Decision**

6. This appeal is dismissed.

Signed

Date 13 March 2019

Upper Tribunal Judge Lane