



IAC-AH-CO-V1

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

Appeal Number: PA/12847/2017

**THE IMMIGRATION ACTS**

**Heard at Field House  
On 11 February 2020**

**Decision & Reasons Promulgated  
On 4 March 2020**

**Before**

**UPPER TRIBUNAL JUDGE BLUM**

**Between**

**MD  
(ANONYMITY DIRECTION MADE)**

Appellant

**and**

**SECRETARY OF STATE FOR THE HOME DEPARTMENT**

Respondent

**Representation:**

For the Appellant: Ms A Patyna, Counsel, instructed by Montague Solicitors LLP

For the Respondent: Mr P Whitwell, Senior Home Office Presenting Officer

**DECISION AND REASONS**

1. This is a remade decision following the identification of material legal errors in the decision of Judge of the First-tier Tribunal C Greasley, promulgated on 8 August 2019, dismissing the appellant's appeal against the refusal, dated 17 November 2017, of his protection and human rights claim.
2. A previous decision dated 17 October 2018 dismissing the appellant's appeal was set aside by the Upper Tribunal and remitted to the First-tier Tribunal for a fresh hearing. In a decision promulgated on 30

October 2019 Upper Tribunal Judge Plimmer found that Judge Greasley failed to consider the plausibility of the appellant's claimed detentions and releases as a PKK suspect in light of the Country Guidance case of **IK (Returnees - Records - IFA) Turkey CG** [2004] UKIAT 00312, and that he failed to apply the Joint Presidential Guidance Note No 2 of 2010 (the Guidance Note) and the principles enunciated in **AM (Afghanistan) v Secretary of State for the Home Department** [2017] EWCA Civ 1123 in determining whether the appellant was a vulnerable witness and in failing to consider how the appellant's vulnerability may have impacted on his ability to give consistent evidence. The Upper Tribunal retained the appeal and it was set down for a further fresh hearing.

## Background

3. The appellant is a national of Turkey, born in 1986. He entered the UK on 14 January 2017 pursuant to a grant of entry clearance as a visitor. He made an in-time protection claim on 19 May 2017.
4. I summarise the appellant's protection claim. He was born and brought up in the Malatya Province of Turkey. He is Kurdish and of the Alevi faith. He is a long-standing supporter of pro-Kurdish political parties. Members of the appellant's family were also politically active, and his sister, GK, was recognised as a refugee by the UK authorities in 2001 due to her political activities. A 2<sup>nd</sup> cousin, GA, was granted refugee status in the UK in 2018 as a result of her political activities. The appellant became involved with the BNP (Peace and Democracy Party) in 2010, and then the HDP (People's Democratic Party) in 2014. The appellant participated in marches, Newros celebrations (Kurdish new year), political meetings, social activities and distributed leaflets. He also attended the HDP party building several times a month.
5. The appellant was detained for short periods of time (up to three days) by the Turkish authorities on at least 10 occasions between 2011 and 2016, although he cannot recall the exact number of detentions or all the dates he was detained. Some of these detentions occurred when he was at demonstrations, but on other occasions he was detained from his home or his place of employment. He was ill-treated during these detentions and suspected of supporting the PKK, a banned terrorist organisation. The appellant had been taken to the anti-terrorist branch security headquarters.
6. On 12 December 2016 the appellant applied for a visit visa to visit his sister, GK. He arrived in the UK on 14 January 2017. In April 2017 the appellant was informed by his family that the Turkish authorities had visited his home and that an arrest warrant had been issued against him. The appellant believes this occurred because a friend of his was detained on his way to the HDP building and gave the appellant's name to the authorities. Since then the Turkish authorities have

continued to search for him, both in his home village but also in Istanbul where some of his sibling live.

7. Since being in the UK the appellant has been involved in the activities of the Kurdish Community Centre, which have included protests and demonstrations.
8. There is medical evidence that the appellant has displayed symptoms of PTSD, social anxiety, and epilepsy, and that he has suffered from epileptic seizures, panic attacks and flashbacks. He is receiving medication for his mental health (anti-depressants) and his epilepsy.
9. The respondent accepted that the appellant was Kurdish and an Alevi. The respondent did not accept that the appellant had been involved with either the BDP or the HDP in the manner he claimed. This was primarily based on vagueness and inconsistencies in the appellant's account of the formation and objectives of the parties, his failure to mention the parties or his suspected involvement with the PKK in his Screening Interview, his inability to recall the dates of his detentions, inconsistencies relating to his contact with his family in Turkey, the absence of documentary evidence supporting his claim and the hearsay nature of the information upon which he relied. The respondent was not satisfied the appellant faced a well-founded fear of persecution if removed to Turkey.

### **Documentary evidence**

10. The respondent's bundle contained, *inter alia*, the Screening Interview, the substantive Asylum Interview, representations made on the appellant's behalf and the asylum Reasons for Refusal Letter.
11. The appellant relied on two bundles of documents including, *inter alia*, a witness statement dated 16 July 2019 and a supplementary statement dated 3 February 2020, statements from his sister GK (dated 12 September 2018) and his 2<sup>nd</sup> cousin GA (dated 14 June 2019), medical evidence including a manuscript letter from a GP surgery confirming that the appellant was under the care of a North Middlesex Hospital Neurology Consultant and that an EEG undertaken at the hospital confirmed a diagnosis of temporal lobe epilepsy, medical notes issued by the GP surgery, a letter from a CBT therapist dated 29 November 2017 indicating that the appellant presented with symptoms of PTSD, a letter dated 23 September 2018 from a doctor at his GP surgery indicating that the appellant was suffering from depression and was forgetting to take his medication, translated medical notes issued in Turkey, details of the appellant's current medical prescriptions (Mirtazapine, Levetiracetam Milpharm, and Depakote), background evidence on the evidence of epilepsy on cognitive function, a letter from the Kurdish Community Centre dated 17 September 2018, and photographs of the appellant at demonstrations in the UK. The first bundle also included a number of

human rights reports on the situation in Turkey. Ms Patyna provided a helpful skeleton argument. Mr Whitwell provided the CPIN 'Turkey: Kurdish political parties', dated August 2018 and the Report of a Home Office Fact-Finding Mission Turkey: Kurds, the HDP and the PKK, October 2019.

12. At the hearing I was provided with a letter dated 4 February 2020 said to be issued by the Mukhtar (the village head) of the appellant's home village. The letter was accompanied by a translation and a photograph of the mukhtar's ID card. I was later provided by email with Screenshots of the appellant's claimed communication with the Mukhtar. I have taken all this evidence into account.

## The hearing

13. In light of the medical documents and the evidence of medication prescribed to the appellant the hearing was conducted in accordance with the Guidance Note and the principles identified in **AM (Afghanistan)**. The appellant was offered the opportunity of having breaks and his questioning were appropriate to his identified medical needs.
14. The appellant adopted his statements. I summarise his oral evidence, so far as is necessary to determine his protection claim. He confirmed that he was "a bit stressed". In December 2019 he moved in with his nephew, but the appellant was unable to recall his new address. The letter from the Mukhtar stated that the family home had been raided on 10 October 2019, and the appellant described how he had been in contact with the Mukhtar and obtained the Mukhtar's letter.
15. In cross-examination the appellant was asked whether he had received a diagnosis of epilepsy in Turkey. The appellant referred to the translated medical documents in his bundle. Although one of the medical documents referred to 'narcolepsy' the appellant did not know anything about this. The appellant had known the Mukhtar from childhood and they knew each other well. The appellant did not know whether other homes had been raided in October 2019. The appellant was reminded that in his first First-tier Tribunal hearing he said he had been fingerprinted every time he was detained, but in the second First-tier Tribunal hearing he said he had never been fingerprinted when arrested and detained. The appellant said he suffered from memory loss and that the inconsistency may be attributable to his epilepsy. In response to questions from me the appellant said there were no warrant documents issued against him by the Turkish authorities that could be obtained. After the translated emails of the appellant's communication with the Mukhtar were provided, he was asked a few more questions about the identities of the communicators.

16. The appellant's sister, GK, adopted her statement. In examination-in-chief she said the appellant continued to have memory issues. She gave the example of how she would ask him whether he took his medication, but he could not remember whether he had. In cross-examination GK stated that she had not returned to Turkey for the first 10 years after her arrival in the UK in 2000. She first returned in 2010 to see her family, and she had subsequently returned every 2 or 3 years, staying for 2 to 3 weeks on each occasion. When she first returned, she was detained for 2 days before being released. She returned to Turkey because her surname was now different, she did not show her Turkish ID card, she travelled on a British passport and obtained a visa. GK was aware that the appellant had been detained on at least 10 occasions because of regular conversations she had with her family. In response to questions from me GK said she had no criminal convictions in the UK and had never been in trouble with the police in this country.
17. The appellant's 2<sup>nd</sup> cousin GA adopted her statement. She confirmed that she and the appellant used to attend some political and social events together. GA confirmed that she had no criminal convictions in the UK and had never been in trouble with the authorities in this country.
18. In addition to adopting the Reasons for Refusal Letter Mr Whitwell submitted that, as the appellant left Turkey using his own passport, he was unlikely to be of adverse interest to the authorities. He drew my attention to the CPIN at 2.4.14 and 2.4.15 in respect of ill-treatment of members and supporters of HDP. There was no evidence of any arrest warrant and the appellant's current fear was based on hearsay evidence. I was directed to 3.1.3, 3.1.5 and 3.2.5 of the Fact-Finding Mission report relating to state action against the HDP. I was invited to attach little weight to the Mukhtar's evidence as it was not possible to identify those corresponding by email and the appellant knew the Mukhtar for a long time. Mr Whitwell submitted that Judge Greasley was entitled to find a core inconsistency in the appellant's account relating to whether he was fingerprinted during his detentions and that the appellant's explanation - that it was due to his forgetfulness, was not credible. Mr Whitwell submitted that the appellant would be able to internally relocate to Istanbul, with reference to paragraph 199 of **IK**. I was invited to attach little weight to GK's evidence given the frequency of her returns to Turkey.
19. Ms Patyna adopted her skeleton argument. She relied on paragraph 76 of **IK** to support her claim that many individuals who were of interest to the authorities were detained and then released without court appearances. There was nothing in the Fact-Finding mission or the CPIN that was inconsistent with the appellant's claim to have been detained in the past. All section 3 of the Fact-Finding Mission was saying was that HDP members were not always considered as supporters of the PKK. The appellant was someone who had a long

enough and political enough profile to come to the adverse attention of the authorities, especially considering where he came from. I was invited to attach weight to the Mukhtar's evidence, with reference to **R (on the application of SS) v Secretary of State for the Home Department ("self-serving" statements)** [2017] UKUT 00164 (IAC). The inconsistency in respect of the fingerprinting could be explained by reference to the appellant's memory problems. The internal relocation alternative was not available to the appellant because he would be stopped and detained at the airport, and because, in any event, the authorities had already searched for him in Istanbul.

## Findings and reasons

20. I remind myself that the burden of proof in protection cases rests on the appellant and that he must prove that there is a 'real risk' that he would face persecution in Turkey, this being a lower standard of proof.
21. I will first consider the medical evidence. Despite a lack of clarity in the translated medical documents emanating from Turkey, I am satisfied the appellant suffers from epilepsy. The translated medical evidence from Turkey consists of lab results undertaken in 2015 and 2016 which refer to a diagnosis of "G40.9 Epilepsy, Undiagnosed", an EEG obtained in 2014 that was said to be "within normal limits" and a report from December 2017 referring again to "G40.9 Epilepsy, Undiagnosed" and mentioning narcolepsy and febrile convulsions. It is unclear why there is a reference to narcolepsy and febrile convulsions, although there was no suggestion that the appellant suffered from these conditions. It is possible, as Ms Patyna submitted, that these may be associated conditions in the same general category, but there is insufficient evidence for me to make any specific finding. The translated Turkish documents did however indicate that the appellant was being prescribed levetiracetam, which both representatives confirmed at the hearing, having checked using their computers, was a medication for the treatment of epilepsy. Nor was there any challenge to the letter from the appellant's GP dated 16 December 2016 indicating that the appellant had been diagnosed with 'temporal lobe epilepsy' by a North Middlesex Hospital Neurology Consultant following EEG tests. Moreover, his current prescriptions, which were not challenged, include Levetiracetam Milpharm tablets. The abstract 'The Impact of Epilepsy on Cognitive Function' in the appellant's bundle indicates that cognitive problems can frequently occur in those suffering from epilepsy.
22. A letter from a CBT therapist indicated that the appellant presented with symptoms of PTSD and social anxiety, as well as epileptic seizures, resulting in panic attacks, flashbacks and insomnia. A GP at the appellant's surgery indicated that the appellant was suffering from depression, and that he had been forgetting to take his

medication. I note that he has been prescribed anti-depressant medication. The GP notes refer to a diagnosis of anxiety and depression in June 2017, prior to his Asylum Interview. The appellant has consistently maintained, since his Screening Interview, that he suffers from memory problems. I witnessed myself the appellant encountering problems with his memory when, at the start of the hearing, he was asked to give his new address. Despite having lived there for two months, he was unable to recall the address. GK described how the appellant would forget whether he took his medication, which is consistent with the letter from the GP. Having holistic regard to this evidence I am satisfied that the appellant is a vulnerable witness and that he does suffer from memory problems. I take this into account when assessing the appellant's evidence in accordance with the Guidance Note. I remind myself however, applying **SB (vulnerable adult: credibility) Ghana** [2019] UKUT 00398 (IAC), that it is for the Tribunal to determine the relationship, if any, between the appellant's vulnerability and his evidence, and that I am in no way bound to attribute inconsistencies or vagueness in his evidence to his mental health and memory problems.

23. Whilst the respondent accepted that the appellant was able to answer some questions concerning the BDP and the HDP correctly, she concluded that his overall evidence was vague and, at times, inconsistent. I have considered the appellant's substantive asylum interview. He gave accurate answers when asked about the name of the BDP, the year it was founded, and its emphasis on promoting the rights of Kurds, Alevis and women. Although the respondent was unable to verify that Mustafa Ayzit founded the BDP, the appellant provided background evidence confirming the same and this was not challenged. The appellant gave a relatively vague description of the circumstances in which the BDP was formed, but this was not inconsistent with the background information relied on by the respondent describing how the group arose from the banning of a previous party. I note that the appellant only began supporting the organisation in 2010, and I take into account his claim that he was nervous during his asylum interview. I do not find the appellant's answers when asked how Mustafa Ayzit planned to achieve the goals of the BDP to be vague when considered against the general nature of the question. The appellant explained that the BDP's goals of achieving equality for Kurds and the Alevis would be achieved through winning elections. This was a reasonably accurate, if general, explanation. Nor do I find that the appellant gave a vague account when asked his motivations for going on marches supporting women's rights. In his asylum interview the appellant explained that he attended the marches because of his mother and his sisters, that he was concerned with violence against women, that he did not believe that women should be treated as commodities, that women should not be wed at a young age, that they should have the choice to marry who they want, and that dowry payments should be abolished. This, with respect, was a full and detailed explanation.

24. The respondent accepted that the appellant accurately stated that the BDP and the HDP shared similar aims and ideals, that the HDP was formed in 2012, and that it was officially founded in 2013. The respondent relied on background evidence indicating that the HDP was formed after a recommendation from Abdullah Ocalan that the BDP was too narrow in its focus on Kurdish issues and that an umbrella group was needed to attract different leftist, socialist, progressive and western orientated groups. The respondent found the appellant's explanation for the formation of the HDP to be vague and contradictory as he stated that the BDP was accused by the Turkish state of having links with the PKK and that the BDP dissolved into the HDP. Although the appellant's account is general, it is not inconsistent with the information relied on by the respondent. The respondent's CPIN dated August 2018 indicated (e.g. at 7.1.3) that BDP members were targeted because of a perceived association with the PKK, and that the BDP did merge with the HDP. When assessing the generality of the appellant's answers I take into account the evidence that he was diagnosed with depression and anxiety prior to the asylum interview and that his symptoms may have contributed to the generality of his explanation. The respondent maintains that the appellant only gave a general account of the aims and objectives of the HDP, citing their support for the Alevi and Kurds, the importance of supporting the Kurdish language and Kurdish culture and traditions, and the defending of women's rights. Having considered the Asylum Interview for myself I find that the appellant gave a relatively accurate account of the aims and objectives of the HDP, bearing in mind the generality of the question asked. The account given by the appellant essentially reflected the HDP manifesto set out by the respondent in her Reasons for Refusal Letter. One would not reasonably expect an interviewee in the context of an asylum interview to recall each head of the manifesto.
25. The respondent drew an adverse credibility inference from the appellant's claimed inability to speak about any particular women's rights marches. It is apparent from the Asylum Interview that, when first asked, the appellant did not appreciate that he was being asked to describe a particular march (questions 104 to 106). He did however then provide the names of the places where marches occurred, and then focused on a particular March in September 2016. This was the last march he attended. He arrived about half an hour before the end of the march. The appellant's described the path of the march and stated that it was organised by people from the HDP and concerned the murder of women, female employment and education and child brides. I find that the appellant was able to speak in detail about a particular march.
26. The appellant was not a member of either the BDP or the HDP. In his Asylum Interview he explained that he did not become a member because he did not want to be subject to the further pressure from



the Turkish authorities that membership of such groups may entail. This explanation is inherently plausible having regard to the CPIN report (e.g. at 2.3.1, 2.4.1 - 2.4.12), which support the appellant's concerns. Moreover, the appellant's account of his arrests and detentions because of his involvement with the HDP and suspicion of his support for the PKK is consistent with the CPIN report (e.g. 2.4.2 and 2.4.15). The perceived association between the HDP and the PKK and the frequent arrests and detention of HDP supporters was confirmed in the evidence given to the Fact-Finding Mission, as outlined in their report of October 2019 (see, e.g. 3.2 - dealing with the targeting of members and supporters of the HDP, 7.12 - dealing with arrest and punishment, and 7.13 - dealing with torture and other forms of ill-treatment). Moreover, in **IK** (at [76]) the Tribunal confirmed the prevalence of detentions "of persons who were considered to be of material significance by the security forces even if they were thereafter released without judicial involvement." The appellant's detentions and releases were therefore plausible when placed in the context of the country evidence. Although a relatively low-level supporter of BDP and then HDP, the appellant's support was consistent, including his attendance at the HDP building, and continued over a period of years. I find, in these circumstances, and in light of the aforementioned background evidence, that the Turkish authorities may well have identified the appellant as a potential supporter of the PKK.

27. The appellant did give inconsistent evidence regarding whether he had been fingerprinted by the Turkish authorities when detained. In his substantive asylum interview the appellant said he was fingerprinted every time he was detained except for his last detention. In his first First-tier Tribunal hearing he said he had been fingerprinted every time, but in the 2<sup>nd</sup> First-tier Tribunal hearing he denied having been fingerprinted. At the hearing before me the appellant attributed this inconsistency to his memory problems. I have considered the evidence of the impact of epilepsy on cognitive function, and I note that the appellant has presented with symptoms of PTSD, including flashbacks, and that the questions relating to whether he was fingerprinted concerned times when he claims he was ill-treated. I find, applying the lower standard of proof, and having regard to the appellant's evidence as a whole, that I can attribute this inconsistency to his memory problems. I have additionally considered the appellant's inability to recall all the dates of his various detentions, a point relied on by the respondent. The appellant's evidence was that he was detained on at least 10 occasions from 2011 to 2016 for short periods of time. The detentions occurred over a period of 5 years, and commenced around 8 years ago. It is not, in my judgment, surprising that the appellant would be unable to recall all the dates of his detentions. Even if he did not suffer from memory problems, I would not have held this against him. The evidence of his memory problems however further reinforces my view that the

appellant's inability to recall all the dates of his detentions does not undermine his account.

28. I do not find the appellant's ability to leave Turkey using his own passport to undermine his claim that the authorities now have a significant adverse interest in him. The trigger for the appellant's protection claim was the issuance of an arrest warrant and the subsequent raid on his family home, which was precipitated by the arrest of one of the appellant's friends who, the appellant believes, disclosed his name when interrogated by the authorities. This aspect of the appellant's claim is inherently plausible and is consistent with the background evidence, considered above. Prior to that incident an arrest warrant had never been issued against the appellant, suggesting that the authorities did not have sufficient evidence to charge him with any offence. There is no indication, either in the relevant country guidance case or in the background material brought to my attention and upon which the parties relied, that the Turkish authorities would centrally record the details of persons who had only been detained and released but not charged and that this information would be available to the authorities checking those leaving Turkey.
29. I do not find the absence of a copy of an arrest warrant to undermine the appellant's claim. There was no evidence provided to me, either in the extant country guidance case or in the documents brought to my attention and upon which the parties relied, that copies of such warrants were served on members of the family of the person sought, or that copies could be obtained from the authorities. I note in this regard the appellant's evidence answer at question 186 that the authorities informed the appellant's family that they could "not hand out information" to anyone but the appellant because he was over the age of 18. There is no background evidence inconsistent with this assertion.
30. I find I can attach weight to the evidence purporting to come from the Mukhtar and the supporting email correspondence. The letter itself stated that the author was the Mukhtar of the appellant's province in Turkey and that the security forces had raided his neighbourhood on 10 October 2019 and had asked about the appellant's whereabouts. The letter was signed and stamped. There was nothing inherently incredible in the format, structure or content of the letter. The Mukhtar gave the appellant's name, his date of birth, his Turkish ID No. and confirmed that the appellant was registered in the neighbourhood. The letter was supported by a photograph of the Mukhtar's ID card. There was nothing on the face of the photograph to cause me to doubt the authenticity of the ID card, although the absence of the actual ID card does reduce to some extent the weight I attach to it. The email messages indicated that the original message containing the Mukhtar's letter and ID card were sent by someone using his name, although I appreciate that the actual email address was not provided. Whilst I have considered the possibility that the

Mukhtar may have provided the letter and the photograph of his ID card to support the appellant's appeal because of friendship, having considered the appellant's claim as a whole I find I can attach weight to the evidence from the Mukhtar.

31. I found the appellant's sister, GK, and his 2<sup>nd</sup> cousin, GA, to be impressive witnesses. They each gave their evidence in a direct, forthright and even-handed manner. Their evidence was clear and detailed and was given without hesitation. There was no perceptible attempt at embellishment. Nor was there anything to indicate that they were anything other than persons of good character. I do take into account the close family relationship and the possibility, as a result of the familial relationships, of actual or subconscious bias in favour of the appellant. I remind myself however that self-serving statements can still attract weight and the assessment of what weight to attach must be considered 'in the round'. Although GK's knowledge of the appellant's political activities and his detentions arose from information provided to her by her family in Turkey, it was obtained over a period of some years. Whilst I cannot discount the possibility that GK's family have lied to her during their regular conversations, I do not find, applying the lower standard of proof, that this is likely. There was no challenge to GK evidence relating to the appellant's epilepsy, his sleep problems, his panic attacks and his forgetfulness. This supports the appellant's claim that the few inconsistencies identified by the respondent can be reasonably attributed to his memory problems. I do not find GK's returns to Turkey, once she naturalised as a British citizen, to undermine her claim. She indicated that she took the risk of returning to see her family because she has changed her surname and was travelling on a British passport. This is an inherently credible explanation. AG's evidence further reinforced the appellant's claimed political involvement in Turkey as she was personally aware of his involvement with both the BDP and the HDP and had attended political events with him.
32. Having considered the appellant's evidence 'in the round', and for the reasons given above, I find he has given a credible account of the events that caused him to leave Turkey. I find that he was a supporter of the BDP and then the HDP, albeit at a relatively low level. I find that he had attended political marches, meetings, social events, and that he did distribute leaflets and visited the HDP meetings several times a month. His support for the political parties has been long standing. I find he was detained by the authorities on at least 10 occasions between 2010 and 2016 and that he was questioned about his suspected support for the PKK. During these detentions, some of which occurred in the anti-terror headquarters, I find he was seriously ill-treated. I find that the Turkish authorities adverse interest in the appellant increased following the arrest of one of the appellant's friends. Although the appellant does not know what information was given by this person to the authorities, it was sufficient to enable a warrant to be issued against him and for the authorities to raid his

family home and to look for him at the homes of his siblings in Istanbul.

33. In determining whether, in light of my factual findings, the appellant would face a real risk of persecution if removed to Turkey, I have considered and applied the guidance in **IK**, and the additional background evidence provided by the parties including the Fact-Finding Mission, the CPIN August 2018, the US State Department report for the year 2018 and the Amnesty International and Human Rights Watch 2018 reports on Turkey. Although the appellant's involvement has been at a relatively low level, it has occurred over a period of years. The appellant is now perceived or suspected to have some involvement with the PKK, a proscribed separatist organisation. He has been arrested and detained and an arrest warrant has been issued against him. Given the appellant's Kurdish ethnicity and his Alevi faith, and given that other members of his family were also targeted by the authorities as a result of their political activities, I find the appellant is highly likely to be questioned by the authorities at the airport, and that any warrant issued against him would appear in the computerised GBT system accessible at the airport (paragraph 133 of **IK**). The appellant cannot be expected to lie if interrogated (paragraph 86 of **IK**). If the appellant was detained at the airport as a suspected supporter of the PKK, there is a real risk he would be subjected to ill-treatment sufficient to amount to persecution.
34. Even if the appellant were to pass through the airport, he would face the same risk of ill-treatment in his home area if he came to the attention of the authorities in his home area in light of his past-detentions and ill-treatment and the issuance of an arrest warrant. Nor would internal relocation be reasonably open to him given that the authorities have also searched for him in Istanbul. This suggests that the state authorities would have an adverse interest in the appellant wherever he relocated in Turkey. At [115] of **IK** the Tribunal indicated that in most normal circumstances it would be unduly harsh to expect a person to live without appropriate registration for any material time as a requirement for avoiding persecution. At paragraph 118 the Tribunal considered that an individual's material history would, in broad terms, become known to the authorities at the airport and in his new area when he settles, either through registration with the local Mukhtar or if he comes to the attention for any reason of the police there. In these circumstances I find that the appellant would be at risk of persecution if he is returned to Turkey.

## **Notice of Decision**

**The protection appeal is allowed**

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

Unless and until a Tribunal or court directs otherwise, the appellant in this appeal is granted anonymity. No report of these proceedings shall directly or indirectly identify her or any member of her 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.

**D. Blum**

20 February 2020

Signed  
Upper Tribunal Judge Blum

Date