



IN THE UPPER TRIBUNAL
IMMIGRATION AND ASYLUM CHAMBER

Case No: UI-2023-001453
First-tier Tribunal Nos:
PA/55705/2021
IA/17424/2021

THE IMMIGRATION ACTS

Decision & Reasons Issued:
On the 21 September 2023

Before

DEPUTY UPPER TRIBUNAL JUDGE DAVEY

Between

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Appellant

and

SSH
(ANONYMITY ORDER MADE)

Respondent

Representation:

For the Appellant: Mr M Diwnycz, Senior Home Office Presenting Officer
For the Respondent: Ms L Brakaj, counsel, instructed by Iris Law Firm

Prepared 11 September 2023
Heard at Field House on 11 September 2023

Order Regarding Anonymity

Pursuant to rule 14 of the Tribunal Procedure (Upper Tribunal) Rules 2008, [the Appellant] (and/or any member of his family, expert, witness or other person the Tribunal considers should not be identified) is granted anonymity.

No-one shall publish or reveal any information, including the name or address of the Appellant, likely to lead members of the public to identify the appellant (and/or other person). Failure to comply with this order could amount to a contempt of court

DECISION AND REASONS

1. In this appeal the original designations of the Appellant as SSH apply. The Respondent who appealed the decision is the Secretary of State for the Home Department.
2. The Appellant, a national of Iraq, appealed against the Respondent's decision of 15 December 2017.
3. Permission to appeal was given by First-tier Tribunal Judge S Aziz on 27 April 2023. The permission to appeal was given on the basis that the Judge Caskie had misapplied the case of SA (Removal destination; Iraq: undertakings) Iraq [2022] UKUT 37 (IAC).
4. When the matter came before First-tier Tribunal Judge Caskie, having heard the evidence the Judge concluded that the appeal should be dismissed on Refugee Convention grounds and allowed the appeal with reference to Humanitarian Protection and Article 8 of the ECHR with reference to paragraph 276ADE(1)(vi) of the Immigration Rules.
5. The position has somewhat changed in that the whole issue of return by reference to documentation is now the subject of more up-to-date information, not least the diminution in the significance of the CSID and its replacement with ILID's. In the circumstances the Respondent accepts that the original decision cannot stand and that the appeal circumstances meant that the Appellant's return would now be to the governorate of Sulaymania. The Secretary of State accepts that the appeal should be allowed to the extent that it is returned to the First-tier Tribunal to be considered de novo on all issues. The Respondent therefore accepts that the original decision cannot stand.
6. DECISION. The appeal is allowed to the extent that the Appeal is to be remade de novo in the First tier Tribunal
7. Particularly to consider the issue of the Appellant's claim under Article 8 of the ECHR and the Appellant's return to Suleymania.
8. List in Newcastle First-tier Tribunal not before Judges Caskie or Fisher. 9
9. Time estimate three hours..
10. Kurdish Sorani interpreter required. The Appellant to notify the Respondent of intended witnesses.
11. The Appellant be at liberty to update evidence relating to Article 8 of the ECHR. Such material to be served not later than 10 working days before the hearing to remake the decision.



Judge of the Upper Tribunal
Immigration and Asylum Chamber

