



IN THE UPPER TRIBUNAL
IMMIGRATION AND ASYLUM CHAMBER

Case No: UI-2022-002793

First-tier Tribunal No: PA/01149/2021

THE IMMIGRATION ACTS

Decision & Reasons Issued:

31st January 2024

Before

UPPER TRIBUNAL JUDGE JACKSON

Between

RGO
(ANONYMITY ORDER MADE)

Appellant

and

SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Mr H Sadiq, Solicitor at Adam Solicitors
For the Respondent: Ms R Arif, Senior Home Office Presenting Officer

Heard at Field House on 9 January 2024

Order Regarding Anonymity

Pursuant to rule 14 of the Tribunal Procedure (Upper Tribunal) Rules 2008, the Appellant 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. Failure to comply with this order could amount to a contempt of court.

DECISION AND REASONS

1. This has been a remote hearing which has not been objected to by the parties. The form of remote hearing was by video, using Teams. There were no technical difficulties for the hearing itself and the papers were all available electronically.

2. In a decision promulgated on 4 October 2023 I found an error of law in the decision of First-tier Tribunal Judge Bennett promulgated on 4 March 2022, in which the Appellant's appeal against the decision to refuse his protection and human rights claims dated 25 February 2021 was dismissed. That decision was set aside for the reasons contained in the decision, annexed, with preserved findings of fact. This is the re-making of the appeal, confined to the issue of whether the Appellant could internally relocate within Iraq.
3. The Appellant is a national of Iraq, born on 29 January 1996, who claims to have fled Iraq in September 2019, travelled through several European countries and arrived in the United Kingdom on either 5 or 6 February 2020, following which he claimed asylum. The basis of the Appellant's claim was that he was at risk on return to Iraq of an honor killing because of a relationship he had had with a girl whose uncle was a high ranking KDP member and whose brother was a member of the Peshmerga.
4. The Respondent refused the application the basis that that the Appellant's claim was inconsistent both internally and with background country evidence. It was not accepted that the Appellant was at any risk on return and in any event could internally relocate to Sulaymaniyah, a PUK area. The Appellant had family support in Iraq and had his passport and CSID card, with a replacement being obtainable through family if required. There was no breach of Article 15(c) of the Qualification Directive and no breach of any human rights.
5. The preserved findings of fact are set out in paragraphs 25 to 47 and paragraph 56 onwards of Judge Bennett's decision. The following paragraphs are relevant to the Appellant's credibility:

31. The Appellant's account does contain some inconsistencies between the screening and substantive asylum interview regarding, for example, the dates that he said he met R and was subsequently attacked by her family. I do not place significant weight on this discrepancy. The Appellant could have interpreted the screening interview question (Q4.1 "when did this happen?") as referring to his relationship with R rather than the date he was attacked and I do not place significant weight on the Appellant initially stating that he met R in February and later amending this to March of the same year. In any event I recognise that, after the screening interview, the Appellant has remained consistent regarding the date that he met R and the date he was attacked.

32. In his oral evidence the Appellant said that R's uncle's name was "Mohammed Ali". When he was asked why he didn't offer the surname previously when specifically asked in his interview (Q149, page 48 of the HO bundle) he said 'it is easy because I know the girl's full name - R Aziz Ali - and her uncle shall be Mohammed Ali' and he didn't know why he didn't have the surname when asked previously. I note his response to the question (A149) which says 'I only know the name Mohammed' and I find it surprising that it did not occur to him on the earlier occasion that he could work the surname out or, if it did occur to him, why he did not provide the information.

33. I also note an inconsistency in the Appellant's evidence regarding who winked first. At paragraph 59 of his substantive asylum interview he states that "I gave her a gesture that I liked her". He clarified that "I winked at

her” and when asked what she did in return he stated “she laughed and winked back”. Whereas during his oral evidence I asked the Appellant whether it was normal for him to wink at a girl in his shop and he replied “She winked first”. He confirmed that this would be “A normal thing to do”.

34. However, I consider that the few inconsistencies in the type I have identified above are not sufficient to undermine the Appellant’s whole account. The impact of time and the re-telling of his account may have had an impact on the accuracy of small details.

35. The Appellant’s representative submitted and I agree that the Appellant’s account of the events in question appear to be without exaggeration or obvious falsification in places where it would have been easy to do, and where it may have been potentially helpful to his case. The Appellant confirmed in his oral evidence that the only reason he knows about R’s uncle’s senior position in the Peshmerga is because “R told me”. When asked if this information had been confirmed by anyone else he replied “No, only from her.” And he stated further that his family do not know whether one of R’s family is senior Peshmerga. I consider that the Appellant’s reluctance to embellish in order to strengthen his own account enhances his reliability.

36. Similarly, the Appellant is straight-forward about his uncertainty regarding whether R has been killed. He is not unequivocal that she has been, he merely reports that “we heard that they killed their daughter” and does not overstate the evidence that he is presenting.

37. I also have regard to the fact that the Appellant volunteered the information that he is still in contact with his brother and did not seek to minimise the contact that he has with him, for example by saying that he, like the rest of the family, is no longer speaking to him because he is angry that the Appellant did not tell him earlier about his relationship with R. This tends to enhance the Appellant’s general credibility in my view.

38. I have had regard to the letter from the GP at page 16 of the Appellant’s bundle. It can be inferred from this letter that the Appellant’s injuries, as confirmed by the GP, are broadly consistent with the description the Appellant gave of being stabbed.

39. I have given consideration to all of the arguments set out in the Refusal. I find that the points made in paragraphs 33-44 have been adequately addressed by the Appellant in his subsequent responses and Witness Statement (page 1- of the Appellant’s bundle).

40. I consider that there is merit in the argument at paragraph 45 of the Refusal that the Appellant would not have initiated or continued the relationship with R knowing that it carried a risk of being killed. However, I accept the Appellant’s response at Q78 of the substantive asylum interview to the effect that he did not know how their relationship would be viewed, and that the risk of prompting an honor crime was just one of a number of possible outcomes: “Some families agree to let them marry other families might kill them or reconcile with some money.”.

41. Under section 8 of the Asylum and Immigration (Treatment of Claimants etc) Act 2004 I am obliged to take into account certain behaviour as

affecting an appellant's credibility. I accept that the Appellant travelled through Turkey, Croatia and France and was in these countries for some time without pursuing an asylum claim. The Appellant's account for not remaining in these countries but continuing on to the UK was that he was wholly reliant on the agent and did not even know where he was. I do not accept this as I consider that he would have spoken to other displaced people whilst in the jungle in France for 20 days, and that he would have been told where he was. Equally I find it would have been reasonable to expect him to make enquiries when he was fingerprinted in Croatia. He did therefore have the opportunity to claim asylum in at least one safe country before arriving in the UK and although it is not central to my findings this does undermine the Appellant's credibility to a limited extent.

6. The documentary evidence, so far as relevant, was considered as follows:

43. I consider that the inconsistencies and discrepancies regarding the Appellant's shop receipt and business card ... are adequately explained ... I also note that the documents do not go to the core of the Appellant's claim ...

44. I have had regard to the letters in the Appellant's bundle from the Tribe Head (page 8-9) and the local Mukhtar (pages 10-15). I note that the letters are not written on headed paper, although they do appear to bear personalised stamps. Although the wording of the letters has clearly been agreed with a third party in advance given that the opening paragraph of each is basically identical, I recognise that the Appellant's explanation of how the letters were obtained, via his brother, is plausible and the letter from the Mukhtar is accompanied by a copy of the Mukhtar's photographic ID. The content of the letters is consistent with the Appellant's account and I find it appropriate to place some weight on the letters.

45. Overall, looking at the evidence in the round, I accept that the Appellant has shown to the lower standard of proof that he developed a relationship with R as described, that he was attacked by members of her family when they discovered the relationship, and that he fled Iraq and remains outside the country due to his fear of further reprisals. I have accepted that potential victims of honour crimes can fall within a particular social group and paragraph 339K of the Immigration Rules makes it clear that the fact that a person has been subjected to persecution or serious harm, or to direct threats of such persecution or harm, will be regarded as a serious indication of the person's well-founded fear of persecution as a real risk of their suffering serious harm, unless there are good reasons to consider that such persecution or serious harm will not be repeated.

46. The Appellant has been subjected to serious harm previously. Therefore I find that the Appellant would be at real risk of serious harm from R's family in his home area. The country information is clear that the authorities are not willing to offer protection in such circumstances (see the CPIN at paragraph 2.5.6 "... authorities in Iraq and the IKR cannot be considered as willing and able to provide effective protection to those at risk from 'honour' crimes ..."). Even given that the CPIN is stated to cover only honour crimes towards women, I am satisfied from the information provided that there is a serious possibility that the Appellant would not receive adequate protection from the State.

7. Paragraphs 56 to 62 of Judge Bennett's decision deal with the issue of identity documentation and feasibility of return to Iraq, with the conclusion that the Appellant attempted to conceal the fact that he has access to at least his CSID, but possibly also his passport and that the Appellant can obtain this either because he has them, or his brother has them and can send them to him. The Appellant would be returning to Iraq with his CSID. There is no need to set out these findings in full here.

The appeal

8. At the outset of the hearing, Ms Arif confirmed on behalf of the Respondent that it was accepted that if R's family links to the KDP were accepted, the Appellant would not have the option of internal relocation within the IKR. It was previously agreed between the parties and in accordance with extant country guidance that there is no internal relocation option for this Appellant to Baghdad and no other locations have been proposed within Government controlled Iraq.
9. In the Appellant's written statement signed and dated 10 February 2022, so far as relevant, he stated that he believed one of the men who had attacked him to be R's brother. R had mentioned her family's connections to the KDP, but the Appellant did not know the specific role of her uncle or his full name, simply as he did not ask and did not need to know the information.
10. In his written statement, signed and dated 10 February 2022, the Appellant stated that it was R who mentioned her family's connections to the KDP and he did not know the specific role of her uncle or his full name as he simply did not ask, it was not of interest at the time and the Appellant did not need to know this information.
11. In his written statement signed and dated 5 January 2024, the Appellant stated that R's family are connected to politics and in particular she has an uncle Mohammed who is involved at a more senior level and her father was a retired peshmerga. This information came from R but they did not discuss it in more detail. The Appellant is in contact with his uncle and brother in Iraq and both of them have tried to find out more information about R's family. A friend of the family confirmed R's uncle's full name, that he is a major and obtained some screenshots from his facebook account accessed by this friend (the account is not a public one) and these were sent to the Appellant via his family.
12. The screenshots and translations were included with the written statement. The message from the Appellant's uncle refers to R's uncle as Major Muhamad Ali who works at the Ministry of Peshmerga and information was obtained about him through a friend of his on facebook. The posts copied include one of a group of men, some in military style uniform and with the post 'Today, I was with members of the PDK' dated 22 August 2022 and another similar photograph with the post referring to a visit to the headquarters of the 2nd Regiment, dated 19 September 2021.
13. The Appellant attended the oral hearing, adopted his written statements and gave oral evidence through a court appointed Kurdish Sorani interpreter. In cross-examination he stated that R told him about her family connections after they had been talking for a period of time in 2019 and the Appellant believed what she said as he trusted her. He did not make any inquiries about it himself,

did not meet any of her family and continued the relationship after knowing about them.

14. The Appellant remained in Iraq for five days after he was attacked and was in a different place every day before he left. There were no problems leaving through the airport.
15. The evidence recently relied upon was translated in the United Kingdom. The Appellant had previously only been in contact with his brother in Iraq and he was too scared to be asking around or asking questions about R's family. The Appellant does not know the person who provided the facebook screenshots to his uncle and he does not have the details of when the account was accessed. The handwritten notes on the pages were made by the Appellant's solicitor to identify R's uncle. The Appellant stated that he knew one of the photos was a KDP gathering as it said so on the banner in the background of the photograph.
16. In closing on behalf of the Respondent, Ms Arif relied on the reasons for refusal letter and submitted that the Appellant had not established that members of R's family would be able to locate him in the IKR, such that he can internally relocate and it would not be unduly harsh to do so. There was little evidence of the family connections or their capability beyond what is contained in the new evidence and the following issues were taken with that. First, with regards to the translations, it could not be clarified that the translator was accredited and accepted by the Home Office as a translator as there were insufficient details. Ms Arif was unable to explain why those provided, which included a NRPSI number were insufficient. Secondly, the translation is not complete as there is no translation of what is written on the banner in one of the photographs; only the post itself is translated. Thirdly, the burden is on the Appellant to show that the documents are reliable and he has not done so. Little weight should be given to the facebook posts given there is a lack of information as to who the facebook account belongs to, who the person who accessed it is and there are only two posts from 2021 and 2022. The posts are not sufficient to establish the identity or position of R's uncle as an influential person. Further, in accordance with XX (P)AK, sur place activities, Facebook CG [2022] UKUT 00023, printouts from a facebook account are of limited evidential value and there is no information about who accessed it.
17. As to the Appellant's oral evidence, it was submitted that the Appellant only believed R's family to be influential and had made no inquiries about this himself and continued his relationship with her despite the risk. These matters cast doubt on the Appellant's credibility as to knowledge about R's family. Attempts were only made at the latest stage of this appeal to find any information and there is no reasonable explanation as to why the latest evidence could not have been obtained before.
18. Further, the Appellant had no difficulties following his attack in Iraq in the five days before he left, nor in leaving the airport and it can be inferred that those he feared would not be able to locate him now in Iraq. It has not been established that R's family have the ability or motivation to locate the Appellant.
19. On behalf of the Appellant, it was submitted that the Appellant has already been found to be credible on the core of his claim and has established that R's family have senior links with the KDP to place him at risk anywhere in the IKR. In particular, the Appellant has given all the information he had from R about her

family from the beginning of his claim and that her uncle was a relatively senior KDP official, her father was a retired senior peshmerga and one of her brother's was a peshmerga and bodyguard (as per the interview asylum record). There was no reason for the Appellant not to take the information R told him about her family at face value and no reason to doubt what she said. The Appellant's explanation as to why the relationship continued despite the risk has already been addressed by the First-tier Tribunal in paragraph 40 of the decision.

20. The Appellant had initially described in his asylum interview that those who attacked him wore uniforms, carried weapons including guns and knives and did so with impunity acting this way in a public place. There is a preserved finding of fact that the Appellant was attacked by R's family in Iraq. The low threshold was met even without the further evidence now available.
21. In relation to the new material, it was submitted that corroboration was not required for the Appellant's account and it is accepted that those who have fled persecution may have difficulty obtaining comprehensive evidence in support of their claim. The information now available is not necessarily easy to get and could have put individuals involved in trying to obtain it in some difficulty or even at risk. This is the best evidence available to the Appellant through his family in Iraq. The translations have all been appropriately certified and include the details of the interpreter, the date and his registration details. Further, the guidance in XX is more applicable and more forceful if it involves an Appellant's own social media over which he or she has full control and access. The current evidence should not be criticised with the same force given that it is a private account of a hostile individual, accessed through a family friend such that the kind of access set out in XX could not be reasonably be expected.
22. Although the Appellant remained in Iraq after the attack, it was for four days in hiding and he left on the fifth day. As this was not a political case but concerned with family honour, even if the other family had significant power it would seem unlikely that they would be able to put a stop notice in place at the airport with government force and it is has never been suggested by the Appellant that they would have the power or means to do this. However, the Appellant does not have to go that far, it is sufficient to show senior PDK links in the family to establish sufficient power and motivation to find the Appellant and place him at risk in the IKR.

Findings and reasons

23. At the outset of the hearing, it was accepted on behalf of the Respondent that if the Appellant established that R's family had sufficient links to the PDK, that there would not be an internal relocation option for the Appellant and no sufficiency of protection in the IKR or elsewhere in Iraq. The only issue is therefore an evidential one as to whether the Appellant has established, to the lower standard applicable in such cases, R's family links to the PDK.
24. I find that considering all of the evidence in the round, the Appellant has established that R's family have senior PDK links in the IKR and as such, he would be at risk on return to his home area with no option for internal relocation. First, as per the preserved findings of fact, the Appellant was attacked in Iraq by persons in uniform and carrying weapons, who acted with impunity in public. That supports the claim of family links to the peshmerga and PDK, as those who

attacked the Appellant included R's brother who was also described as a bodyguard in the peshmerga.

25. Secondly, the Appellant in his asylum interview gave some details of R's family links and how he knew about them. There is no rational basis upon which it could be suggested that the Appellant could or should have questioned what R told him about her family at the time as there is no reason why he should have disbelieved her or asked for more precise information. There is no rational basis upon which it could be inferred that R would not have given the Appellant accurate information during their relationship.
26. Thirdly, the fact that the Appellant continued his relationship after knowing of R's family links to the PDK does not damage his credibility and this point has already been dealt with by the First-tier Tribunal who accepted the Appellant's evidence that there were a range of options if the relationship was discovered, including marriage or payment of a sum of money which would not involve any risk to the Appellant or R.
27. Fourthly, there is now some documentary evidence from Facebook as to R's uncle's links to the KDP as a senior official. Whilst this evidence could potentially be more comprehensive, with for example greater information about the chain of events in obtaining it and about the people involved in obtaining it and/or a fuller copy of the individual's facebook pages; I still attach some weight to it as supportive of the Appellant's claim. In particular, I take into account that this is not necessarily straightforward information that would be available to the Appellant as it is a private facebook account and the goodwill of family members and a family friend was required to access what they could send to him. The explanation for why no further information is available is not an unreasonable one in all of the circumstances, particularly as the Appellant could not have directly accessed or obtained this himself. The guidance in XX is of limited assistance in the current circumstances where the Appellant is not relying on his own account, and it carries less weight when considering the evidence in this particular appeal.
28. I do not find that the weight to be attached to the Facebook evidence should be reduced due to the translation of the posts. Ms Arif could not identify any specific issues with the translation which was carried out in the United Kingdom or any guidance or requirements of the Respondent as to further information about the translator. The other point was that the translation was not comprehensive because the words in the photograph were not also translated does not impact at all when the translation of the posts themselves in any event directly referred to the PDK and particular regiments meeting.
29. Fifthly, I do not consider that the Appellant's claim as to R's family influence is undermined or damaged by the fact that he was able to remain in Iraq for four or five days after he was attacked and/or that he was able to leave the country through the airport. This was a very short period of time and just because a family may not have had sufficient power or reach to put any kind of stop notice on international travel is not indicative of any lack of power or influence to be able to find and harm the Appellant within the IKR.
30. Finally, I have also taken into account that the Appellant has already been found credible on the core of his protection claim and that is not undermined by the separate findings in relation not identity documents.

31. Overall, the Appellant has established to the lower standard of proof applicable that R's family had links to the PDK; namely her uncle was a Major, her father was a retired peshmerga and her brother was also in the peshmerga. Those are sufficient and sufficiently senior links to the PDK to show a reasonable likelihood that the family had power and influence in the IKR which could be used to find and harm the Appellant, who has already suffered past persecution from the family. It had already been accepted that the Appellant would be at risk in his home area and I do not find that there is any internal relocation option in the IKR or elsewhere for him. As such, his appeal is allowed on asylum grounds.

Notice of Decision

The making of the decision of the First-tier Tribunal did involve the making of a material error of law. As such it was necessary to set aside the decision for the reasons set out in the annexed decision.

The appeal is remade as follows:

The appeal is allowed on asylum grounds.

G Jackson

Judge of the Upper Tribunal
Immigration and Asylum Chamber

31st January 2024



IN THE UPPER TRIBUNAL
IMMIGRATION AND ASYLUM CHAMBER

Case No: UI-2022-002793

First-tier Tribunal No: PA/01149/2021

THE IMMIGRATION ACTS

Decision & Reasons Issued:

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Before

UPPER TRIBUNAL JUDGE JACKSON

Between

RGO
(ANONYMITY ORDER MADE)

Appellant

and

SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Mr H Sadiz, Solicitor with Adam Solicitors

For the Respondent: Ms A Ahmed, Senior Home Office Presenting Officer

Heard at Field House by remote video means on 8 August 2023

Order Regarding Anonymity

Pursuant to rule 14 of the Tribunal Procedure (Upper Tribunal) Rules 2008, the Appellant 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. Failure to comply with this order could amount to a contempt of court.

DECISION AND REASONS

1. This has been a remote hearing which has not been objected to by the parties. The form of remote hearing was by video, using Teams. There were no technical difficulties for the hearing itself and the papers were all available electronically.
2. The Appellant appeals with permission against the decision of First-tier Tribunal Judge Bennett promulgated on 4 March 2022, in which the Appellant's appeal

against the decision to refuse his protection and human rights claims dated 25 February 2021 was dismissed.

3. The Appellant is a national of Iraq, born on 29 January 1996, who claims to have fled Iraq in September 2019, travelled through several European countries and arrived in the United Kingdom on either 5 or 6 February 2020, following which he claimed asylum. The basis of the Appellant's claim was that he was at risk on return to Iraq of an honor killing because of a relationship he had had with a girl whose uncle was a high ranking KDP member and whose brother was a member of the Peshmerga.
4. The Respondent refused the application the basis that that the Appellant's claim was inconsistent both internally and with background country evidence. It was not accepted that the Appellant was at any risk on return and in any event could internally relocate to Sulaymaniyah, a PUK area. The Appellant had family support in Iraq and had his passport and CSID card, with a replacement being obtainable through family if required. There was no breach of Article 15(c) of the Qualification Directive and no breach of any human rights.
5. Judge Bennett dismissed the appeal in a decision promulgated on 4 March 2022 on all grounds. The inconsistencies identified by the Respondent were considered as relatively minor and not all of which were accepted. It was accepted that the Appellant had been in a relationship as claimed, that he had been attacked and threatened by her family following which he fled Iraq and therefore he could be a potential victim of an honour crime. As such, the Tribunal found that the Appellant was at real risk of harm in his home area in Iraq and there was a serious chance of a lack of sufficiency of state protection there. However, it was not accepted that the family who attacked and threatened the Appellant had KDP links and it had not been established that they could or would be able to locate the Appellant anywhere in Iraq. It would not be unduly harsh for the Appellant to internally relocate to the IKR or Baghdad. In terms of documentation, the Tribunal found that the Appellant had been consistent that he did not have his ID card, but not consistent about what happened to this or his passport or when. Overall it was not accepted that the Appellant either did not have nor could not be sent his CSID by his brother.

The appeal

6. The Appellant appeals on two grounds as follows. First, that the First-tier Tribunal materially erred in law in finding that it would not be unduly harsh for the Appellant to internally relocate to Baghdad in circumstances where he was an Iraqi Kurd who did not speak Arabic and had no family connections there and the finding is contrary to the current country guidance. Secondly, that the First-tier Tribunal materially erred in law in failing to give adequate reasons for rejecting the evidence from the Appellant that the person he was in a relationship with had not given him reliable information about her family's KDP and Peshmerga links; and had failed to give adequate reasons for why internal relocation to the IKR would be safe and not unduly harsh.
7. Whilst the Respondent accepted that the First-tier Tribunal had erred in law in finding that the Appellant could internally relocate to Baghdad (ground 1), it was not accepted that this was material because of the finding that he could internally relocate to the IKR.

8. At the oral hearing, on behalf of the Appellant, submissions were made in relation to paragraphs 48 to 55 of the First-tier Tribunal's decision about internal relocation to the IKR. It was submitted that there were two key elements before the First-tier Tribunal which showed a risk in the IKR, first, that the girl the Appellant was in a relationship with had told the Appellant that her family were connected to the KDP and Peshmerga before there were any problems and it was not disputed that this information had been given to the Appellant. Secondly, it was accepted that the Appellant had been tracked down by her family and of the individuals who attacked him, two wore military uniforms and carried guns, whilst conducting themselves with impunity. It was submitted that there was little doubt for the Appellant as to the family background and he had otherwise been found to be credible.
9. The First-tier Tribunal's primary concern in paragraph 50 appears to be that the information given by the girl to the Appellant may be unreliable for a number of reasons. However, no possible reasons were identified and there are no obvious reasons as to why the information would be unreliable. The fact that the information is unverified by others failed to acknowledge that there is no requirement for the Appellant to corroborate his claim, particularly when there were no overall credibility issues.
10. On behalf of the Respondent, Ms Ahmed relied on the rule 24 response and that despite the error in relation to internal relocation to Baghdad, it would not be unduly harsh for the Appellant to relocate to the IKR. The First-tier Tribunal's assessment of the latter was submitted to contain detailed analysis and reasoning in paragraphs 48 to 55 and this is simply a case in which the Appellant has failed to establish that he would be at risk outside of his home area as there was little specific evidence of his persecutors, who were unable to track him leaving through an airport using his own passport. Overall it was submitted that it was open to the Judge to reject the evidence making an overall assessment of all that was available, or in this case, not available. Further, given the credibility findings were mixed rather than all positive (particularly as to the Appellant's passport and CSID), there was a reasonable expectation that the Appellant, through family, could have obtained further information about the girl's family.

Findings and reasons

11. There is no dispute that the First-tier Tribunal erred in law in respect of ground 1 in finding that the Appellant could internally relocate to Baghdad. Given his accepted characteristics as a Sunni Kurd with no connections to Baghdad, that finding was completely contrary to the country guidance in SMO & KSP (Civil status documentation; article 15) Iraq CG [2022] UKUT 00110 (IAC) and must be set aside. That error is however only material if the First-tier Tribunal also erred in law in concluding that the Appellant could internally relocate to the IKR.
12. In paragraph 49 of the decision, the Tribunal records that there was little evidence of the identity or capability of the Appellant's persecutors beyond what his girlfriend at the time told him and his observation of two men being in uniform when he was attacked. The Appellant did not know the name or specific role of the uncle. In paragraph 50, no issue is taken as to the Appellant's claim of what his girlfriend told him about her family, only that what she told him may be unreliable for any number of reasons. No such reasons are however identified in the decision and none are self-evident or apparent from the evidence. At the stage before there were any difficulties for the Appellant, there is nothing obvious

as to why the information from his girlfriend would not be reliable and the lack of reasons here does not support what appears to be a finding that that information was not reliable.

13. In paragraphs 50 to 53 the Tribunal then considers the lack of verification or attempt by the Appellant (or anyone else) to obtain further information about the persecutors or how well connected or influential they may be, but it does not appear that this was a point put to the Appellant and at least verges on a need for corroboration. The Appellant also identified the need to use ID within the IKR such that it would be easy for anyone to track him down if they wanted to, although that point is not directly engaged with by the Tribunal.
14. Overall the finding in paragraph 55 was that the Appellant had not established that members of his then girlfriend's family would be able to locate him in the IKR. I find that the First-tier Tribunal has given insufficient reasons for that finding, particularly in relation to the information from his then girlfriend upon which no reasons are given as to why this information was not reliable and the point of about military uniforms was not directly engaged with or rejected. Although the Appellant was not found to have been credible in relation to identity documentation, the core of his claim was accepted by the Tribunal and there were no adverse credibility findings about this particular aspect. Although relatively limited information was available about the persecutors, there was at least some evidence before the First-tier Tribunal about the family and a lack of adequate reasons for it being rejected. On the lower standard of proof, the findings contain an error of law and this part of the decision must be set aside and determined afresh on the issue of internal relocation.
15. There are a number of findings of fact by the First-tier Tribunal which have not been challenged by either party and which are not infected by the errors of law set out above. All of the findings of the First-tier Tribunal except for those contained in paragraphs 48 to 55 are preserved; specifically that the Appellant has been credible in the core of his account and would be at risk on return of an honor killing in his home area; and that the Appellant can either obtain his CSID because he has it with him or because it can be sent to him by his brother. The only issue to determine afresh is whether the Appellant can internally relocate to the IKR.

Notice of Decision

The making of the decision of the First-tier Tribunal did involve the making of a material error of law. As such it is necessary to set aside the decision.

I set aside the decision of the First-tier Tribunal, with preserved findings of fact as detailed above.

Listing Directions

1. The hearing to be relisted before UTJ Jackson by with a time estimate of 1.5 hours. A Kurdish Sorani interpreter is required.
2. Any further evidence upon which the Appellant wishes to rely is to be filed and served no later than 14 days before the relisted hearing.
3. Any further evidence upon which the Respondent wishes to rely is to be filed and served no later than 7 days before the relisted hearing.

G Jackson

Judge of the Upper Tribunal
Immigration and Asylum Chamber

18th September 2023