



**IN THE UPPER TRIBUNAL**  
**IMMIGRATION AND ASYLUM CHAMBER**

Case No: UI-2024-000900

First-tier Tribunal No: PA/54017/2022  
IA/11247/2022

**THE IMMIGRATION ACTS**

**Decision & Reasons Issued:**  
**On 11 September 2024**

**Before**

**DEPUTY UPPER TRIBUNAL JUDGE PARKES**

**Between**

**HIH**  
**(ANONYMITY DIRECTION MADE)**

Appellant

**and**

**SECRETARY OF STATE FOR THE HOME DEPARTMENT**

Respondent

**Representation:**

For the Appellant: Mr Andrew-Joseph (Counsel, instructed by Asylum Justice)

For the Respondent: Mr A Tan (Senior Home Office Presenting Officer)

**Heard at Field House on 2<sup>nd</sup> September 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. The Appellant is a citizen of Iraq, he claimed asylum on the 20<sup>th</sup> of June 2022 by way of further submissions the application was refused for the reason given in the Refusal Letter of the 2<sup>nd</sup> of September 2022. The Appellant's appeal was heard by First-tier Tribunal

Judge L Jones at Newport on the 23<sup>rd</sup> of January 2024 and dismissed for the reasons given in the decision of the 6<sup>th</sup> of February 2024.

2. The Appellant sought permission to appeal to the Upper Tribunal in grounds of the 20<sup>th</sup> of February 2024. Permission was granted by Judge Buchanan on the 1<sup>st</sup> of March 2024, it was noted that it was arguable that the decision did not adequately explain how the risk of persecution in the Appellant's home area could be addressed in the redocumentation process.
3. At the hearing Mr Tan for the Respondent accepted that the decision of Judge Jones contained an error of law, I was invited to allow the appeal and remake the decision allowing the appeal under article 3 of the ECHR and the Refugee Convention.
4. Mr Tan observed that the issue was the ability of the Appellant to redocument himself on return to Iraq. It has been accepted that the Appellant is at risk in his home area by virtue of his ethnicity and so cannot return there. It has not been found that the Appellant has access to a CSID, the Appellant need to be redocumented, on the findings previously made this would have to take place in his home area where he remains at risk.
5. The convention reason is the Appellant's ethnic origin and the danger is in his home area, the place he would need to attend to obtain documentation before being able to internally relocate. It was accepted that the Appellant would be at risk on return accordingly the appeal has to be allowed.

### **Notice of Decision**

6. This appeal is allowed.

Judge Parkes

Deputy Judge of the Upper Tribunal  
Immigration and Asylum Chamber

Dated: 2<sup>nd</sup> September 2024