



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

Appeal Number: PA/03635/2018

**THE IMMIGRATION ACTS**

**Heard at Birmingham IAC (Priory Courts)  
On 3 June 2019**

**Decision & Reasons Promulgated**

**On 15 July 2019**

**Before**

**DEPUTY UPPER TRIBUNAL JUDGE DAVEY**

**Between**

**KHOSAWI [B]  
(ANONYMITY ORDER NOT MADE)**

Appellant

**and**

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

Respondent

**Appearances:**

For the Appellant: Mr M Uddin, Counsel instructed by Braitch RB Solicitors  
For the Respondent: Mrs H Aboni, Senior Presenting Officer

**DECISION AND REASONS**

1. The Appellant, a national of Iraq, date of birth 7 December 1980, made a political asylum claim on 29 September 2017, which was refused on 2 March 2018. His appeal was dismissed by First-tier Tribunal Judge C Broe, dated 22 June 2018. Permission to appeal that decision was given by First-tier Tribunal Judge Haria on 7 August 2018. The judge said in granting permission

- “2. The Appellant is an Iraqi national. The Appellant claims to have a well-founded fear of persecution if returned to Iraq due to a blood feud with members of the Mangur clan.
3. The lengthy grounds of appeal make various assertions that the judge erred in his assessment of the Appellant’s evidence. In addition the grounds assert that the findings of the judge on return to the IKR are unsustainable in the light of the decision in AAH (Iraqi Kurds – internal relocation) (CG).”

2. In granting permission the judge accepted that the judge had failed to apply the guidance given in AAH and as such there was, on the face of it, an arguable error of law and that all grounds might be argued.
3. The grounds are unduly long and do not necessarily require to be of the length as advanced by Mr Uddin but it is clear, in the light of the case of AAH, that the issue of safety of return, requiring a CSID and being able to move into the IKR are not without difficulties and dangers, bearing in mind it appears to be common ground that the Appellant is not in possession of a CSID or a valid passport and therefore would have the difficulties identified in AAH in being able to travel within Iraq. The Original Tribunals decision failed to apply the country guidance or give reason why it was not followed
4. The original grounds of appeal to the First-tier Tribunal raised the issues of Articles 2, 3 and 8 of the ECHR. The judge in dealing with this matter made no arguable error of law [D29-36].

## **DECISION**

The Appeal is allowed to the extent that the protection claim in relation to return to the IKR is to be remade.

**ANONYMITY ORDER**

Although an anonymity order was made in the First -tier Tribunal I can see no present basis for its continuance.

**DIRECTIONS**

1. List First-tier Tribunal two hours.
2. Kurdish Sorani interpreter required.
3. No findings of fact to stand. All issues raised on protection grounds on risk of return without CSID or Passport to the IKR to remain.
4. Any further evidence dealing with any change to the Article 8 ECHR issues to be served not less than ten clear working days before the resumed hearing.
5. Resumed hearing not before First-tier Tribunal Judges Broe or Haria.
6. Any further directions sought should be made on application in writing to the First-tier Tribunal.
7. Matter to be listed for hearing at Birmingham CJC.



Signed

Date 24 June 2019

Deputy Upper Tribunal Judge Davey