



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

Appeal Number: PA/09756/2016

**THE IMMIGRATION ACTS**

**Heard at City Centre Tower Birmingham**

**Decision & Reasons  
Promulgated**

**On 29<sup>th</sup> January 2018**

**On 27<sup>th</sup> February 2018**

**Before**

**DEPUTY UPPER TRIBUNAL JUDGE RENTON**

**Between**

**B A  
(ANONYMITY DIRECTION MADE)**

Appellant

**and**

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

Respondent

**Representation:**

For the Appellant: Mr H Singh of Twinasood Law Practice Ltd

For the Respondent: Mrs H Aboni, Home Office Presenting Officer

**DECISION AND REASONS**

**Introduction**

1. The Appellant is a male citizen of Iraq born on [ ] 1990. He entered the UK illegally on 4<sup>th</sup> March 2016 and applied for asylum. That application was refused for the reasons given in an Asylum Decision dated 31<sup>st</sup> August 2016. The Appellant appealed and his appeal was heard by First-tier Tribunal Judge Hawden-Beal (the Judge) sitting at Birmingham on 28<sup>th</sup>

March 2017. She decided to dismiss the appeal for the reasons given her Decision dated 9<sup>th</sup> April 2017. The Appellant sought leave to appeal that decision and on 11<sup>th</sup> September 2017 such permission was granted.

### **Error of Law**

2. I must first decide if the decision of the Judge contained an error on a point of law so that it should be set aside.
3. The Appellant applied for asylum on the basis that he would be at risk on return to the IKR as a Christian convert. The Judge dismissed the appeal because although she was satisfied that the Appellant was a convert to Christianity, she found that on his return to Suleminiyah he would enjoy the degree of religious tolerance known to exist in that area and would not experience any religious persecution there. The Judge also found that the Appellant would not be at risk from his father, who according to the Appellant had threatened to kill him because of his conversion, because it was not reasonably likely that the Appellant's father would be able to find him on his return, and in any event the Appellant could safely relocate elsewhere within the IKR.
4. At the hearing, Mr Singh argued that the Judge had erred in law as she had not properly assessed the evidence relating to the Appellant's claim. He referred to the grounds of application and the grant of permission and submitted that the Judge's assessment of the evidence was not fair and reasonable. She had given insufficient and inadequate reasons for her decision.
5. In response, Mrs Aboni referred to the Rule 24 response and argued that there was no such material error of law as the Judge had directed herself appropriately and had made findings open to her on the evidence before her. The Judge had given adequate reasons for her finding that the Appellant was not at risk on return as a Christian convert and would also not be at risk from his father and family.
6. I find no error of law in the decision of the Judge which I therefore do not set aside.
7. The Judge found the Appellant to be credible and accepted that he was a Christian convert. Most of the points made by the Appellant's representative in his Skeleton Argument relate to the Judge's finding as to credibility and are therefore irrelevant. The Appellant's criticisms of the Judge's decision are only in general terms and amount to no more than a disagreement with the decision of the Judge. I agree with the submissions of Mrs Aboni that the Judge made findings open to her on the evidence and gave adequate reasons for her decision. At paragraphs 39 to 42 she gave a comprehensive analysis of the possibility of any risk on return to the area of the IKR and in particular Suleminiyah as a result of the Appellant's conversion to Christianity and the risk to him from his father. Her finding that as a Christian convert the Appellant is not at risk on return

to the IKR is based upon the objective evidence before her and cannot be faulted. There was no evidence before her that the Appellant's father or other members of his family would be able to find the Appellant on his return to the IKR, and as the of whole of the IKR is not known for any religious persecution, even as an apostate, the Judge was correct to conclude that the Appellant could safely relocate in the IKR. For these reasons I find no material error of law in the decision of the Judge.

### **Notice of Decision**

The making of the decision of the First-tier Tribunal did not involve the making of an error on a point of law.

I do not set aside that decision.

The appeal to the Upper Tribunal is dismissed.

### **Anonymity**

The First-tier Tribunal made an order for anonymity which I continue for the reasons given by the First-tier Tribunal.

Signed

Date 21<sup>st</sup> February 2018

Deputy Upper Tribunal Judge Renton