



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

Appeal Number: PA/02214/2019

THE IMMIGRATION ACTS

Heard at Royal Courts of Justice

On 18 November 2019

**Decision & Reasons
Promulgated**

On 22 November 2019

Before

UPPER TRIBUNAL JUDGE PITT

Between

**G I O
(ANONYMITY DIRECTION MADE)**

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Mr A Osman, Counsel, instructed by Duncan Lewis & Co

For the Respondent: Mr D Clarke, Senior Home Office Presenting Officer

DECISION AND REASONS


**Direction Regarding Anonymity - Rule 14 of the Tribunal Procedure
(Upper Tribunal) Rules 2008**

Unless and until a Tribunal or court directs otherwise, the appellant is granted anonymity. No report of these proceedings shall directly or indirectly identify him or any member of their family. This direction applies both to the appellant and to the respondent. Failure to comply with this direction could lead to contempt of court proceedings.

1. This is an appeal against the decision issued on 3 September 2019 of First-tier Tribunal Judge N M K Lawrence which refused the protection and human rights claim of the appellant.
2. The background to this matter is that the appellant was born in Iraq in 1996. His protection claim concerns ISIS coming to his home area on two occasions. He came to the UK in 2015, afraid of reprisals from ISIS and from those who viewed him adversely as somebody coming from an area in which ISIS was active. On arrival in the UK he claimed asylum but his claim was refused in a decision from the respondent dated 22 February 2019.
3. The First-tier Tribunal found against the appellant on all grounds finding that the appellant was not credible as regards his history in Iraq or his inability to obtain a CSID document. The First-tier Tribunal also placed little weight on a psychiatric report from Dr Katona.
4. The grounds of appeal were extensive and addressed all of the core adverse findings of the First-tier Tribunal including the approach to Dr Katona's report and to the extant country guidance of **AA (Iraq) v SSHD [2017] EWCA Civ 944** and **AAH (Iraq Kurds - internal relocation) [2018] UKUT 2012**.
5. At the hearing before me Mr Clarke conceded for the respondent that the decision disclosed the errors of law set out in the grounds and that these errors were material such that the decision had to be set aside in its entirety to be remade de novo in the First-tier Tribunal. As Mr Clarke's concession was in line with the preliminary view I had reached on the case, the matter was dealt with relatively briefly.
6. In the light of the concession by the Secretary of State and the cogency of the grounds of appeal, I find that the decision of the First-tier Tribunal discloses an error of law such that it must be set aside to be remade entirely and where the findings of fact all remain to be made again, the re-making is to take place in the First-tier Tribunal in Birmingham.

Notice of Decision

The decision of the First-tier Tribunal discloses an error on a point of law such that it is set aside to be remade de novo in the First-tier Tribunal.

Signed: 
2019
Upper Tribunal Judge Pitt

Date: 19 November