

3. I find that the judge has erred in law. At [83], the judge provides her reasons for finding that the appellant does not fear her husband. She states that the appellant had claimed at interview that she 'was not scared of [her husband]'. I cannot find anything in the interview record which supports the judge's observation. Likewise, the judge finds that the husband 'had never been physically violent' towards the appellant. The finding overlooks the appellant's clear evidence that her husband had forced her to have sex with him against her wishes. The judge should have considered whether that conduct constituted violence towards the appellant and, if not, she should have given her reasons.
4. Secondly, although she briefly addresses the report of the consultant forensic psychiatrist, Dr Ghosh, at [80], the judge has not considered that evidence at all when reaching her findings at [83]. The expert records the extent of the appellant's fear of her husband and relates that account to the experience of women who 'have been subjected to prolonged abuse'. The judge was not obliged to accept the opinion of the expert but, as her findings directly contradict that opinion, she should have given reasons for rejecting Dr Ghosh's evidence. Her failure to do so was an error of law.
5. As a consequence, I find that the findings at [83] are vitiated by legal error. Those findings deal with the core of the appellant's account and her claim that she fears returning to Iraq. In the circumstances, therefore, I set aside the decision. Given the nature of the error, I find that none of the findings of fact should stand. There will need to be a new fact-finding exercise which is better conducted in the First-tier Tribunal to which this appeal is returned for it to remake the decision.

Notice of Decision

The decision of the First-tier Tribunal is set aside. None of the findings of fact shall stand. The appeal is returned to the First-tier Tribunal for that Tribunal to remake the decision following a hearing *de novo*.

LISTING DIRECTIONS: Manchester; Not before Judge Lang; first available date; First-tier Tribunal to decide if remote or face to face; Kurdish Sorani interpreter; 2 hours.

Signed
Upper Tribunal Judge Lane

Date: 9 April 2021