



Upper Tribunal
(Immigration and Asylum Chamber)

Appeal Number: PA/00072/2016

THE IMMIGRATION ACTS

Heard at Glasgow
on 19 May 2017

Decision & Reasons Promulgated
on 22 May 2017

Before

UPPER TRIBUNAL JUDGE MACLEMAN

Between

ABDI AZAD SULIMAN

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

For the Appellant: Ms N Loughran, of Loughran & Co, Solicitors
For the Respondent: Mrs M O'Brien, Senior Home Office Presenting Officer

DETERMINATION AND REASONS

1. The appellant appeals against a determination by First-tier Tribunal Judge Blair, promulgated on 22 November 2016.
2. The judge found at ¶33 that the appellant “had established both a subjective and objective fear if returned to his home area”. However, he went on to find at ¶37-38 that as the appellant is “undocumented at this time”, his protection claim failed.
3. The appeal to the UT is on grounds of failing to apply the country guidance in AA, and failing to deal with submissions regarding internal relocation to Baghdad or to the IKR.
4. A rule 24 response to the grant of permission concedes error of law.

5. Current lack of documentation does not require appellants who do not otherwise qualify to be granted protection; but current lack of documentation does not *bar* anyone from protection, or shut off consideration of internal relocation.
6. The decision of the FtT is **set aside**. Its findings of fact, as to the appellant's well-founded fear in respect of his home area at the date of the hearing, stand.
7. The further factual analysis required to resolve the internal relocation and overall protection issue is apt for **remittal to the FtT**.
8. The member(s) of the FtT chosen to consider the case are not to include Judge Blair.
9. No anonymity direction has been requested or made.
10. Parties are to file and exchange, not less than 7 days before the hearing in the FtT, a note of their positions, referenced to case law and background evidence, on why the appellant, on the findings of fact so far made, does or does not qualify for any form of protection.

A handwritten signature in black ink, appearing to read "Hugh Macleman". The signature is written in a cursive style with a large, stylized initial "H" that loops around the first letter of the name.

19 May 2017
Upper Tribunal Judge Macleman