



**Upper Tribunal  
(Immigration and Asylum Chamber)  
PA/04691/2018**

**Appeal Number:**

**THE IMMIGRATION ACTS**

**Heard at Newport**

**On 16<sup>th</sup> October 2018**

**Decision**

**Promulgated**

**On 7<sup>th</sup> November 2018**

**&**

**Reasons**

**Before**

**DEPUTY UPPER TRIBUNAL JUDGE LEVER**

**Between**

**MR BROOSK BURHAN RAMADHAN**

**(ANONYMITY NOT RETAINED)**

Appellant

**and**

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

Respondent

**Representation:**

For the Appellant: Miss Gardner

For the Respondent: Mr Howells, Home Office Presenting Officer

**DECISION AND REASONS**

**Introduction**

1. The Appellant born on 28<sup>th</sup> April 1994 is a citizen of Iraq. The Appellant who was present was represented by Miss Gardner. The Respondent was represented by Mr Howells a Presenting Officer.

**Substantive Issues under Appeal**

2. The Appellant had made application for asylum and that application had been refused by the Respondent on 27<sup>th</sup> March 2018. The Appellant had appealed that decision and his appeal was heard by Judge of the First-tier Tribunal Page sitting at Newport on 15<sup>th</sup> May 2018. The judge had refused the Appellant's appeal on all grounds. Application for permission to appeal

had been made and Designated Judge Shaerf had granted permission on 4<sup>th</sup> July 2018. It was said that it was an arguable error for the judge not to have dealt with the Appellant's humanitarian protection claim under the Qualification Directive and failing to consider the Appellant's position on return as a failed asylum seeker and failing to refer to the country guidance case extant at that time. Directions were issued and the matter comes before me in accordance with those directions firstly to decide whether an error of law had been made by the First-tier Tribunal.

### **The Proceedings**

3. Mr Howells conceded that the Judge of the First-tier Tribunal had not considered Article 15(c) in respect of any matter of the Appellant's return to his home area of Kirkuk nor thereafter had looked if necessary at the issue of internal relocation within Iraq. It was conceded that a material error of law had been made and it was agreed by both representatives that the matter needed to be returned to the First-tier Tribunal for a de novo hearing.

### **Decision**

4. In accordance with the concession made above I find that a material error of law was made by the judge in this case and set aside the decision of the First-tier Tribunal.
5. Anonymity not retained.

Signed   
Deputy Upper Tribunal Judge Lever

Date 30 July 2018