



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

Appeal Number AA/09860/2014

**THE IMMIGRATION ACTS**

Heard at Centre City Tower  
On 29<sup>th</sup> June 2015

Decision and Reasons Promulgated  
on 17<sup>th</sup> July 2015

Before

**DEPUTY UPPER TRIBUNAL JUDGE PARKES**

Between

**REBAZ MUHAMMAD**  
(ANONYMITY DIRECTION NOT MADE)

Appellant

And

**SECRETARY OF STATE FOR THE HOME DEPARTMENT**

Respondent

**Representation:**

For the Appellant: Mr H Sharma (Solicitor, Harbans Singh & Co, Solicitors)

For the Respondent: Mr I Richards (Home Office Presenting Officer)

**DETERMINATION AND REASONS**

1. The Appellant had claimed asylum in the UK which was refused. His appeal against the Secretary of State's decision was heard by First-tier Tribunal Judge Lodge and dismissed in a decision promulgated on the 22<sup>nd</sup> of January 2015. The Appellant was granted permission to appeal to the Upper Tribunal on the basis that the Judge ought to have considered the issue of the presence of ISIS in Mosul and the 15C issue in relation to the safety of the Appellant if returned to Iraq.
2. The submissions of the representatives are set out in the Record of Proceedings. It is correct that the Judge did not consider the issue of

internal relocation or the position of the Appellant in relation to article 15C and internal armed conflict. The issue is essentially whether this would have made a material difference to the Judge's findings.

3. I would add that the Appellant was not found to be a credible witness in important respects and there is no challenge to the findings made by the Judge in relation to his father's politics and his evidence about his time at his uncle's friends house was not accepted.
4. The Appellant relies on the August 2014 COI report and the new guidance in relation to the disputed areas of Iraq. Whilst the report paints a bleak picture for parts of Iraq Baghdad was expressly stated not to be regarded as being contested.
5. The reality is that although the Judge should have considered the question of internal relocation within Iraq with regard to this Appellant the facts that he had to apply to the country guidance case of HM and Others (Article 15(c)) Iraq CG [2012] UKUT 00409 (IAC) did not assist the Appellant. The relevant part of the head note reads *As regards the current situation, the evidence does not establish that the degree of indiscriminate violence characterising the current armed conflict taking place in the five central governorates in Iraq, namely Baghdad, Diyala, Tameen (Kirkuk), Ninewah, Salah Al-Din, is at such a high level that substantial grounds have been shown for believing that any civilian returned there would solely on account of his presence there face a real risk of being subject to that threat.*
6. The Appellant would be returning as a civilian and there was nothing in the findings made by the Judge that suggest that the Appellant has any features that would place him at a greater risk than any other civilian. The threat of terrorism is a fact of life in many parts of the world, the UK included, and whilst there is evidence of ISIS activity in Iraq the Appellant cannot point to evidence that would displace the country guidance that applies.
7. In the circumstances whilst it is clear that the Judge did fail to address specific issues that had been raised in the Appellant's case that failure could not be said to be material to the decision. If the Judge had addressed the issues he would have had to find that the Appellant could be expected to relocate to Baghdad and that it would be reasonable for him to do so. On that basis the decision of the First-tier Tribunal stands as the disposal of the Appellant's appeal.

## **CONCLUSIONS**

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 the decision.

## **Anonymity**

The First-tier Tribunal did not make an order pursuant to rule 45(4)(i) of the Asylum and Immigration Tribunal (Procedure) Rules 2005 and I make no order.

**Fee Award**

In dismissing the appeal I make no fee award.

Signed:

Deputy Judge of the Upper Tribunal (IAC)

Dated: 16<sup>th</sup> July 2015