



Upper Tribunal  
(Immigration and Asylum Chamber)

Appeal Number: IA/28177/2015

**THE IMMIGRATION ACTS**

Heard at Birmingham  
On 2<sup>nd</sup> October 2018

Decision & Reasons Promulgated  
On 26<sup>th</sup> October 2018

Before

DEPUTY UPPER TRIBUNAL JUDGE JUSS

Between

MR BAKIR RAAUF MOHAMMED  
(ANONYMITY DIRECTION NOT MADE)

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

**Representation:**

For the Appellant: Mr Bedford (of Counsel)

For the Respondent: Mr Mills (Senior HOPO)

**DECISION AND REASONS**

1. This is an appeal against the determination of First-tier Tribunal Judge N M K Lawrence, promulgated on 20<sup>th</sup> July 2017, following a hearing at Stoke-on-Trent (Bennett House) on 6<sup>th</sup> July 2017. In the determination, the judge dismissed the appeal of the Appellant, whereupon the Appellant subsequently applied for, and was granted, permission to appeal to the Upper Tribunal, and thus the matter comes before me.

### **The Appellant**

2. The Appellant is a male, a citizen of Iraq, and was born on 1<sup>st</sup> January 1980. He appealed against the decision of the Respondent Secretary of State dated 25<sup>th</sup> July 2015, rejecting his claim for further leave to remain in the UK.

### **The Hearing**

3. At the hearing before me on 2<sup>nd</sup> October 2018, there was consensus between Mr Mills (on behalf of the Respondent Secretary of State) and Mr Bedford (acting for the Appellant) that the judge had indeed erred as a matter of law, such that this matter should now be remitted back to the First-tier Tribunal to be heard by a judge other than Judge Lawrence. The judge had assessed the claim for protection by the Appellant on a balance of probabilities, when there was a “**Robinson** obvious” point that there was a claim for protection as well. Moreover, the judge had erroneously set out the immigration history of the Appellant but most important, given that the return was to Iraq, the judge failed to deal with the country guidance case of **AA (Article 15(c)) Iraq CG [2015] UKUT 00544**, and the other country guidance cases since then in relation to Iraq, concentrating exclusively on the issue of help on the part of the Appellant and his re-integration into Iraqi society. It was significant that the Appellant was unrepresented and the judge had failed to have any regard to the guidelines on managing an appeal where the Appellant was not represented. There was also a failure to have regard to an Appellant’s true position in relation to the Appellant’s bundle that had been submitted.

### **Error of Law**

4. I am satisfied, having considered the determination, and given the consensus between the parties appearing before me, that the decision of the judge involved an error on a point of law (see Section 12(1) of TCEA 2007) such that I should set aside the decision.

### **Notice of Decision**

The decision of the First-tier Tribunal involved the making of an error of law such that it falls to be set aside. I set aside the decision of the original judge. I remake the decision as follows. This appeal is remitted back to the First-tier Tribunal, to be determined by a judge other than Judge Lawrence under practice statement 7.2(b) because the nature or extent of any judicial fact-finding which is necessary in order for the decision of the appeal to be remade is such that, having regard to the overriding objective and Rule 2, it is proper to remit the case to the First-tier Tribunal.

The appeal is allowed.

No anonymity direction is made.

Signed

Date

Deputy Upper Tribunal Judge Juss

22<sup>nd</sup> October 2018