



Upper Tribunal  
(Immigration and Asylum Chamber)

Appeal Number: PA/03322/2015

**THE IMMIGRATION ACTS**

Heard at Manchester  
On 17 April 2018

Decision & Reasons Promulgated  
On 8 June 2018

Before

**DR H H STOREY**  
**JUDGE OF THE UPPER TRIBUNAL**

Between

**MR AHMED HUSSEIN SALIM**  
(ANONYMITY DIRECTION NOT MADE)

Appellant

and

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

Respondent

**Representation:**

For the Appellant: Ms S Khan, Counsel instructed by Broudie Jackson Canter (Manc)  
For the Respondent: Mr A McVeety, Home Office Presenting Officer

**DECISION AND REASONS**

1. Under challenge in this case is the decision of Judge Birrell of the First-tier Tribunal (FtT) posted on 7 August 2017 dismissing the appeal of the appellant, a national of Iraq, against the decision made by the respondent on 18 November 2015 refusing his protection claim.
2. The appellant's written grounds advanced two main points, it being argued that the judge erred in law (i) by seeking corroboration of the appellant's account before she accepted it; and (ii) in her assessment of the background evidence. Permission to

appeal was not granted on ground (i) but in respect of ground (ii) the judge wrote that “[i]t is arguable that the judge may have misunderstood the view expressed in AA (Iraq) [2015] UKUT 544 (IAC) on what was required to enable a person from Mosul to safely relocate to Baghdad.”

3. I am grateful to Ms Khan and Mr McVeety for their succinct submissions.
4. I am not persuaded that the FtT judge erred in law.
5. The appellant does not have permission to challenge the judge’s adverse credibility findings and Ms Khan did not seek to reargue ground (i) before me. That was in my view a sensible approach, as the judge did not require corroboration.
6. As regards ground (ii), the only characteristics of the appellant that were accepted by the judge were that he was a Sunni Arab from Mosul. The judge also accepted that Mosul was a contested area and so the only issue was whether it would be unduly harsh for the appellant to relocate to Baghdad.
7. My first observation is that the judge made lengthy reference to the relevant country guidance. At para 23 she cited the headnote to AA as follows:
  - “(i) As a general matter, it will not be unreasonable or unduly harsh for a person from a contested area to relocate to Baghdad City or (subject to paragraph 2 above) the Baghdad Belts;
  - (ii) In assessing whether it would be unreasonable/unduly harsh for P to relocate to Baghdad, the following factors are, however, likely to be relevant:
    - (a) whether P has a CSID or will be able to obtain one;
    - (b) whether P can speak Arabic (those who cannot are less likely to find employment);
    - (c) whether P has family members or friends in Baghdad able to accommodate him;
    - (d) whether P is a lone female (women face greater difficulties than men in finding employment);
    - (e) whether P can find a sponsor to access a hotel room or rent accommodation;
    - (f) whether P is from a minority community;
    - (g) whether there is support available for P bearing in mind there is some evidence that returned failed asylum seekers are provided with the support generally given to IDPs.”


8. At paras 24 and 25 she set out the revision of the AA guidance made by the Court of Appeal in AA (Iraq) v SSHD [2017] EWCA Civ 944. At para 26 she also referred in detail to BA (Returns to Baghdad) Iraq CG [2017] UKUT 18 (IAC).
9. At para 32 the judge also made clear that she had considered the country guidance together with the background material provided in COIS Reports as well as the background material provided by the appellant together with the oral evidence of the appellant.
10. The grounds do not challenge the judge's consideration of the appellant's individual circumstances. They confine themselves to submitting that the judge failed to take a holistic view of the background evidence in particular that she failed to properly engage with the UNHCR guidance in its publication: Iraq: Relevant COI for Assessments on the Availability of an Internal Flight Alternative (IFA/IRA): Ability of Persons Originating from (previously or currently) ISIS-held or Conflict Areas to Legally Access and Remain in Proposed Areas of Relocation, dated 12 April 2017. The grounds maintain that in para 39 the judge referred to the background evidence and wrongly stated that it did not post-date the decision in AA (Iraq) in the Court of Appeal. That overlooked, it was submitted, that the Court of Appeal in AA (Iraq) did not assess new evidence. I would accept that what the judge says in para 39 is not entirely clear. On the one hand it begins by noting that the appellant "relies largely on a number of documents post-dating BA and AA 2015 to suggest that relocation [to Baghdad] would be unduly harsh and then states that "the documents do not post-date the promulgation of AA [2017]...". That is technically correct: the judge does not state here that the Court of Appeal considered more recent materials; only that none post-dated its promulgation. That said, I would accept that the implication appears to be that the Court of Appeal had these more recent documents in contemplation.
11. However, I do not consider that any error or misunderstanding on the part of the judge regarding this matter was material since it is entirely clear that she went on in the same and succeeding paragraphs to consider the new material, the UNHCR document dated 12 April 2017 in particular. At para 40 the judge stated:

"In relation to the reliance on the UNHCR document dated 12 April 2017 asserting that the residency requirements for Baghdad now include a requirement for a sponsor which those with no pre existing family links with Baghdad would find difficult to meet I remind myself that before the Tribunal in AA 2015 UNHCR had taken the view that there was no possibility of internal relocation in Iraq (paragraph 66) but the Tribunal rejected that view. That would still appear to be the position of UNHCR although the more recent version of AA disagrees. I note that the document acknowledges at page 36 that the system varies from neighbourhood to neighbourhood and states that 'in general' the listed requirements prevail. This means there are areas and neighbourhoods where such conditions do not necessarily apply. I do not find it unreasonable for the Appellant, who has proved to be a reasonably intelligent resilient and resourceful young man and will be assisted by funds provided to facilitate his return, to find out where he can live as a Sunni in Baghdad. The fact that the

processes are bureaucratic and challenging is not enough I find to make it unreasonable to conclude that no Sunni can relocate to Baghdad unless he has family there.”

12. In this paragraph the judge both considers this document and gives a reason for concluding that the evidence identified in this document is insufficient to justify a conclusion that the appellant would be at risk in Baghdad. Clearly, as well, the judge was considering not just whether Baghdad would be safe but also whether it would be reasonably/unduly harsh. I consider that this assessment was both consistent with Tribunal country guidance and more recent materials considered as a whole and was entirely within the range of reasonable responses. Not only did this document give a somewhat mixed picture but the judge would have been well aware that she was only entitled to depart from Tribunal country guidance if satisfied there was cogent new evidence and in that context she could not consider the UNHCR document in isolation from the other evidence (which included reports from the Swedish Migration Agency, the Australian Department of Internal Affairs and Trade and the Home Office).
13. For the above reasons I conclude that the judge did not materially err in law and accordingly her decision must stand.

No anonymity direction is made.

Signed 

Date: 11 April 2018

Dr H H Storey

Judge of the Upper Tribunal