



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

Appeal Number: AA/08639/2014

THE IMMIGRATION ACTS

Heard at Bradford

On 13th May 2015

**Decision & Reasons
Promulgated
On 22nd May 2015**

Before

UPPER TRIBUNAL JUDGE D E TAYLOR

Between

**ARSHAD ALWAN
(ANONYMITY DIRECTION NOT MADE)**

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Mr B Marshall, Solicitor, of NBS Solicitors
For the Respondent: Mr M Diwnycz, Home Office Presenting Officer

DECISION AND REASONS

1. This is the Appellant's appeal against the decision of Judge Fox made following a hearing at Bradford on 4th December 2014.

2. This Appellant is a citizen of Iraq who claimed to have left there with his family in 2006 and fled to Syria. He left Syria in 2010 and thereafter, until October 2013, spent time in a number of different European countries.
3. Although the Respondent put in a Rule 24 response defending the determination Mr Diwnycz sensibly accepted that it cannot stand.
4. The judge uses a series of unfortunate and inappropriate expressions in his determination including “travels around Europe to gain entry by way of a shopping exercise” and “the family having achieved the Holy Grail of refugee status” and “the Appellant left his family in Syria for purely mercenary and personal reasons to travel around Europe to secure the best deal that he could find for himself”.
5. His language gives the impression that the totality of the evidence may not have been impartially considered.
6. There is a further point in that the Respondent's case was put on the basis that the Appellant could relocate to Basra. The judge said that he was satisfied that relocation to Basra or Baghdad was not viable and if relocation is to be considered it should be to the north of the country. This was never argued by the Secretary of State either in the refusal letter or at the hearing and Mr Marshall reasonably argued that he was deprived of an opportunity of arguing that relocation to Northern Iraq would be unduly harsh.
7. Both parties agreed that the appeal would have to be reheard de novo.
8. The decision of Judge Fox is set aside. The appeal will have to be heard again at Bradford before a First-tier Judge other than Judge Fox with all issues at large.

No anonymity direction is made.

Signed

Date

Upper Tribunal Judge Taylor