



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

Appeal Number: AA/01585/2014

THE IMMIGRATION ACTS

**Heard at Glasgow
on 10 February 2015**

**Determination issued
On 11 February 2015**

Before

UPPER TRIBUNAL JUDGE MACLEMAN

Between

H A J AI MASHHADANIE

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Mr A Caskie, Advocate, instructed by Latta & Co, Solicitors

For the Respondent: Mrs M O'Brien, Senior Home Office Presenting Officer

DETERMINATION AND REASONS

1. The appellant appeals against a determination by First-tier Tribunal Judge McGrade, dismissing his appeal on asylum grounds and allowing it (on a limited basis) on human rights grounds.
2. The appellant is a Sunni Arab from Baghdad who was found to be at risk in Baghdad. There was evidence before the Judge on 24 June 2014 of a rapidly changing situation in Iraq, including an IRIN report dated 12 June 2014 on the surge by ISIS and the flight of half a million people towards Iraqi Kurdistan.

3. In course of submissions it came to be conceded that the Judge failed to explain sufficiently the conclusion that internal flight was available, and that events were moving so swiftly that even by the time of signing off the determination on 7 July 2014 it would have been appropriate to reconvene the hearing.
4. It became common ground that in light of the individual findings of fact in the First-tier Tribunal and of the information before the Upper Tribunal, including the respondent's *Country Information and Guidance - Iraq: Internal relocation (and technical obstacles)*, 24 December 2014 (particularly at paragraphs 1.3.60-61 and 2.5.13-15, and the policy summary at 1.4) the decision fell to be remade as follows.
5. The determination of the First-tier Tribunal, in so far as it dismissed the appeal on asylum grounds, is set aside. The appeal, as originally brought to the First-tier Tribunal, is **allowed under the Refugee Convention**.
6. No anonymity direction has been requested or made.



10 February 2015
Upper Tribunal Judge Macleman