



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

Appeal Number: AA/10312/2014

THE IMMIGRATION ACTS

Heard at Bradford

On 15 March 2016

**Decision & Reasons
Promulgated
On 1 June 2016**

Before

UPPER TRIBUNAL JUDGE CLIVE LANE

Between

**AYMEN YASSEN
(ANONYMITY DIRECTION NOT MADE)**

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Not present or represented

For the Respondent: Mr Diwnycz, Senior Home Office Presenting Officer

DECISION AND REASONS

1. The appellant, Aymen Yassen, was born on 1 October 1989 and is a male citizen of Iraq. He was born and brought up in Mosul in northern Iraq and is a Sunni Muslim. He was in the United Kingdom on a student visa in 2014 and claimed asylum whilst here but his claim was refused and

directions were made for his removal to Iraq. The appellant appealed against that decision of the First-tier Tribunal (Judge Bradshaw), which, in a decision promulgated on 5 February 2015, dismissed the appeal. The appellant now appeals, with permission, to the Upper Tribunal.

2. I am satisfied that a copy of the notice of hearing of 15 March 2016 at Bradford was sent to the appellant by first-class post at his last known address ([Sheffield]) on 11 February 2016. There is nothing on the tribunal file to indicate that the notice of hearing failed to reach the appellant. The appellant has provided no satisfactory explanation for his absence and, in the circumstances, I decided to proceed with the hearing in his absence.
3. In granting permission, Upper Tribunal Judge McWilliam found that it was “arguable that the judge had not sufficiently engaged with the background evidence submitted by the appellant to establish risk from Shia militia in Baghdad.” The appellant had produced “a quantity of background evidence mainly newspaper articles relating to violence against Sunnis from Shia militia generally and specifically in Baghdad.” The judge noted that the Tribunal had followed the country guidance decision in *HM and others (Article 15(c)) Iraq* [2012] UKUT 00409.
4. The grounds (apparently drafted by the appellant himself) assert that the situation for Sunnis in Baghdad is not “as they imagine” in *HM and others*. The appellant states that in February 2015 (that is following the First-tier Tribunal hearing) his brother and his wife had been killed in Baghdad. The appellant had attempted to find evidence of his death but had not done so.
5. At [18], Judge Bradshaw wrote:

“He fears a return to Baghdad because of the general situation there because he is Sunni that he relies on what he hears and reads in the media. The evidence he relies on is neither expert nor wholly independent and overall it is not such that there are cogent or compelling reasons to depart from *HM and others* despite the fact that it was decided before the events in Mosul and other parts of northern Iraq took place. In addition the two incidents he recounts are not convincing evidence of any risk to the appellant himself. He has been unable to make contact with his cousin but the reason is unknown and his university supervisor, although detained and questioned, was quickly released.”
6. In his grounds of appeal to the Upper Tribunal, the appellant refers to his cousin’s supervisor having been “lost in Baghdad.”
7. I find that the appeal should be dismissed. I am satisfied that the judge has engaged with the background material put before him by the appellant. In any event, some of the events referred to in the grounds of appeal (in which the appellant claims now exposes the risk) occurred after the date of promulgation of the First-tier Tribunal decision; if the appellant wishes to make a fresh claim for asylum to the respondent, he is free to do

so. The occurrence of such events after the date of the First-tier Tribunal decision cannot render that decision flawed in law. Otherwise, the grounds of appeal amount to little more than a disagreement with findings which were available to the judge on the evidence, findings to which the judge has correctly applied relevant country guidance jurisprudence.

Notice of Decision

This appeal is dismissed.

No anonymity direction is made.

Signed

Date 30 May 2016

Upper Tribunal Judge Clive Lane

I have dismissed the appeal and therefore there can be no fee award.

Signed

Date 30 May 2016

Upper Tribunal Judge Clive Lane