



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

Appeal Number: PA/07372/2016

THE IMMIGRATION ACTS

**Heard at Glasgow
on 30 October 2017**

**Decision and
Promulgated
on 31 October 2017**

Reasons

Before

UPPER TRIBUNAL JUDGE MACLEMAN

Between

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Appellant

and

**HEWA AWAT
(Anonymity Direction Not Made)**

Respondent

For the Appellant: Mrs M O'Brien, Senior Home Office Presenting Officer
For the Respondent: Mr J Bryce, Advocate, instructed by Maguire Solicitors

DETERMINATION AND REASONS

1. The SHD appeals against a determination by First-tier Tribunal Judge Kempton, allowing Mr Awat's appeal his appeal against refusal of asylum.
2. Mrs M O'Brien submitted on ground 1 that the judge failed to consider the alternative of relocation in Baghdad, and that although the SSHD was not presented and so did not raise that issue at the FtT hearing, it arose from the terms of the decision, and so the judge was bound to deal with it.
3. It was (correctly) conceded that ground 2 is only a narrative, and discloses no issue of legal error.
4. I indicated that the SSHD's appeal would be dismissed.

5. The refusal decision, as pointed out in the rule 24 response by Mr Bryce, deals only with relocation via Baghdad, not in Baghdad. There was no issue before the judge.
6. Even if the issue had arisen, it is, generally speaking, rather more difficult for someone in the category of Mr Awat to relocate to Baghdad than to the IKR; and the SSHD took no issue with the judge's finding that he could not relocate to the IKR.
7. The determination of the First-tier Tribunal shall stand.
8. No anonymity direction has been requested or made.

A handwritten signature in black ink, reading "Hugh Macleman". The signature is written in a cursive style with a large, stylized initial 'H'.

30 October 2017
Upper Tribunal Judge Macleman