



Upper Tribunal
(Immigration and Asylum Chamber)

Appeal Number: PA/13016/2016

THE IMMIGRATION ACTS

Heard at Glasgow
on 19 December 2017

Decision & Reasons Promulgated
on 21 December 2017

Before

UPPER TRIBUNAL JUDGE MACLEMAN

Between

B A M

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

For the Appellant: Ms L McCrorie, of Loughran & Co, Solicitors
For the Respondent: Mr M Matthews, Senior Home Office Presenting Officer

DETERMINATION AND REASONS

1. The appellant appeals to the UT against a decision by FtT Judge A M S Green, promulgated on 4 August 2017, on 5 grounds, set out in the application for permission to appeal dated 16 August 2017.
2. The first and principal ground, which triggered the grant of permission, maintains that the judge erred by departing from country guidance, as restated in *AA (Iraq)* [2017] EWCA Civ 944, in finding the appellant's home area no longer to be a contested area, based on a Country of Origin Information Report (COIR) by the respondent, because that evidence was (a) insufficient and (b) pre-dated the reaffirmation by the Court of Appeal.

3. That ground is not well taken in either respect.
4. The evidence in the COIR was clear and sufficient. Notably, it has not been suggested in the grounds or since that other background evidence shows the report and the judge to be wrong.
5. The Court of Appeal was concerned with legal issues, not factual updating.
6. The respondent's position on ground 1 is supported by *Amin* [2017] EWHC 2417 (¶63, in particular). Although that case was a judicial review and concerned with a different area of Iraq, its principle applies.
7. Grounds 2 and 3, as Ms McCrorie recognised, depend on ground 1. They fall with it.
8. Grounds 4 and 5 raise credibility issues, complaining of failure to consider the appellant's account in the round, and lack of reasoning.
9. These grounds are no more than insistence, and disagreement with factual findings, rather vaguely put. They specify no proposition of error on any point which might amount to error of law, or which might justify setting aside the decision as a whole.
10. The decision of the First-tier Tribunal shall stand.
11. The FtT made an anonymity direction, although no reason is given. The matter was not addressed in the UT. Anonymity has been maintained herein.



20 December 2017
Upper Tribunal Judge Macleman