



**Upper Tribunal
(Immigration and Asylum Chamber)
Number: PA/04008/2017**

Appeal

THE IMMIGRATION ACTS

Heard at Glasgow

Decision & Reasons

Promulgated

On 14 March 2018

On 09 April 2018

Before

DEPUTY UPPER TRIBUNAL JUDGE DEANS

Between

**MR SALWAN SULAIMAN
(NO ANONYMITY DIRECTION)**

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

DECISION AND REASONS

1. This is an appeal against a decision by Judge of the First-tier Tribunal Bart-Stewart dismissing an appeal on protection and human rights grounds.
2. The appellant is a national of Iraq. He is a Sunni from Baghdad. Before leaving Iraq in 2015 he worked as a drummer in a night club. He claimed he left because he feared the Shia militia which killed his father because his father had been a member of the Ba'ath Party. The militia targeted the appellant not only because of his father but also because the appellant was Sunni and a drummer.

3. The Judge of the First-tier Tribunal did not find the appellant's evidence credible. The appellant was not of interest to the authorities in Iraq when he left and he would not be of interest on return. There were no other grounds on which his appeal would succeed.
4. It is pointed out in the grant of permission to appeal by the Upper Tribunal that the appellant did not in the grounds challenge the rejection of his protection claim. The challenge was brought under Article 15(c) of the Qualification Directive and Article 8 of the Human Rights Convention. According to the grant of permission, claims under each of these provisions were dismissed by the Judge of the First-tier tribunal in very brief terms and arguable the judge's reasoning was inadequate.

Submissions

5. At the hearing before me, Mr Caskie began by acknowledging an error in the application for permission to appeal, in which it was stated that the appellant was from Mosul. He was in fact from Baghdad. He had family support there and would be able to access a CSID(Civil Status Identity Document), in accordance with the guidance in *AA (Iraq)* [2017] EWCA Civ 944. The appellant was an Arabic speaker and not a member of a minority group. Accordingly the appellant was no longer seeking to rely on Article 15(c). In addition, there was no challenge to the judge's adverse credibility finding.
6. Mr Caskie continued that the challenge was to the judge's conclusion at paragraph 35 of the decision on respect for the appellant's private life. Mr Caskie submitted that in terms of paragraph 276ADE(1)(vi) of the Immigration Rules there were very significant obstacles to the appellant's integration into Iraq. There was a lot of evidence before the judge in relation to this. The appellant was seventeen and a half years old when he arrived in the UK. He had been here for two and a half years. Baghdad was now a very different city, with up to half a million internally displaced persons (IDPs) having arrived there. Mr Caskie questioned whether the appellant would be able to make a life for himself in Baghdad. Would he, for example, be able to find employment there, considering he has no skills? The reasoning in paragraph 35 of the decision was inadequate.
7. For the respondent, Mrs O'Brien contended it was necessary to look at the arguments put before the First-tier Tribunal. The Judge of the First-tier Tribunal did not go into great detail on conditions in Baghdad but there was an issue of materiality. Mrs O'Brien referred to the appellant's skeleton argument. Reliance was only now being placed on paragraph 276ADE after the appellant had been completely disbelieved. The appellant would have family support in Baghdad and access to a CSID. To succeed under paragraph

276ADE would require very specific circumstances relating to the appellant as well as reliance on the background evidence.

8. In response Mr Caskie submitted that the relevant issues were raised in the skeleton argument. The Judge of the First-tier Tribunal did not make a record of submissions in the decision. There had been no rule 24 notice from the respondent and it was not open to the respondent to say the point had not been argued.
9. Mr Caskie continued that so far as the appellant's circumstances and the country information were concerned, the appellant had no skills and was poorly educated. He referred to a March 2017 Note by the Home Office on the security and humanitarian situation in Iraq. Mr Caskie was not able to say that this report was before the First-tier Tribunal. The purpose of referring to the March 2017 Note was to assist the Upper Tribunal by gathering together the information. There was no analysis by the Judge of the First-tier Tribunal of the material which had been before the Tribunal. There was no analysis of the obstacles to integration. Mr Caskie continued by saying that the situation in Iraq was dynamic. There might be a further flashpoint with Isis. There was a need for up-to-date evidence on the current situation and, in particular, on unskilled men and their ability to integrate.

Discussion

10. I was not referred to any authorities on the interpretation of paragraph 276ADE(1)(vi) and, in particular, the meaning of the term "very significant obstacles" to integration. Paragraph 276 ADE is intended to give effect to the right to respect for private life in Article 8 of the Human Rights Convention. Having regard to the nature of the human rights protected under the Convention, it seems to me that the term "very significant obstacles" might apply to factors such as discrimination or destitution, and disability or linguistic ability might also be relevant, but it would be unlikely to apply to issues of unemployment or education where these did not arise from complete destitution.
11. On the facts found in this appeal, the appellant would not be returning to a position of destitution. He would have family support and access to a CSID. He might face a period of unemployment and he might have to improve his skills, using whatever means might be available, but difficulties like these are not unusual aspects of migration and do not amount to very significant obstacles to integration, even having regard to the very difficult circumstances currently prevailing in Baghdad.
12. For these reasons there was no prospect of the appellant succeeding in reliance on paragraph 276ADE. Whether or not it was argued, there was no need for the Judge of the First-tier Tribunal to devote detailed or extensive reasoning to this point. There is no error of law in the decision.

Conclusions

13. The making of the decision of the First-tier Tribunal did not involve the making of an error on a point of law.
14. The decision is not set aside.
15. The decision dismissing the appeal shall stand.

Anonymity

The First-tier Tribunal did not make a direction for anonymity. I have not been asked to make such a direction and I see no reason of substance for doing so.

Deputy Upper Tribunal Judge Deans
April 2018

4th

