



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

Appeal Number: PA/05293/2016

THE IMMIGRATION ACTS

**Heard at Field House
On 13 December 2017**

**Decision & Reasons
Promulgated
On 17 January 2018**

Before

DEPUTY UPPER TRIBUNAL JUDGE MCGEACHY

Between

**MOHAMMAD SALIM TAWFEEK AL-MOHAMMAD
(ANONYMITY DIRECTION NOT MADE)**

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Mr T Gaisford, of Counsel instructed by Messrs Seddons Solicitors

For the Respondent: Mr N Bramble, Senior Home Office Presenting Officer

DETERMINATION AND DIRECTIONS

1. The appellant appeals with permission against a decision of Judge of the First-tier Tribunal Wedderspoon who, in a determination promulgated on 22 May 2017 dismissed the appellant's appeal against a decision of the Secretary of State to refuse to grant asylum and or humanitarian protection.
2. The basis of the appellant's claim was that he feared a Shia group in Baghdad. In the bundle of documents submitted there was a detailed

expert report. The judge in his determination not only ignored the expert report but also other background evidence submitted and that I consider is a material error of law. Perhaps more importantly, however, is the fact that the judge appeared to believe that it was ISIS that the appellant feared when that was not the case. The judge referred to the appellant's fear of ISIS in paragraph 4 of the determination and again in his findings and conclusions at paragraph 36 he referred to an ISIS group. He did not engage with the fact that the appellant feared a Shia militia group either when he set out the basis of the appellant's claim or in his findings and conclusions. That again is a material error of law.

2. Following the Practice Directions of the Senior President of the Tribunal, I consider that it is appropriate that I remit this appeal for a hearing afresh in the First-tier on all issues.

Decision

This appeal is remitted to the First-tier Tribunal for a hearing afresh on all issues. An Arabic interpreter required. Time estimate three hours.

No anonymity direction is made.

Signed 

Date: 10 January 2018

Deputy Upper Tribunal Judge McGeachy