



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

Appeal Number: PA/07360/2018

THE IMMIGRATION ACTS

**Heard at Bradford
On 10 April 2019**

**Decision & Reasons
Promulgated
On 15 April 2019**

Before

UPPER TRIBUNAL JUDGE LANE

Between

**MASOOD [A]
(ANONYMITY DIRECTION NOT MADE)**

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Mr O’Ryan

For the Respondent: Mrs Pettersen, Senior Home Office Presenting Officer

DECISION AND REASONS

1. The appellant was born on 14 October 2018 and is a male citizen of Iraq. He arrived in the United Kingdom in November 2017. By a decision dated

26 May 2018, the Secretary of State refused the appellant's claim for international protection. The appellant appealed to the First-tier Tribunal which, in a decision promulgated on 28 November 2018, dismissed the appeal. The appellant now appeals, with permission, to the Upper Tribunal.

2. There are four grounds of appeal. First, the appellant asserts that the tribunal gave inadequate reasons for finding that he could exercise the option of internal flight within Iraq. The appellant's home area is Tuz Khurmatu which is close to Kirkuk. The tribunal found that the appellant would be at risk of serious harm in that area. Tribunal also concluded that the appellant could not reasonably be expected to relocate to Baghdad; the appellant is an Iraqi Kurd. Tribunal did find that the appellant could relocate to the IKR. The appellant challenges that analysis. There is 70% unemployment in the IKR; patronage and nepotism are important factors in securing employment in the appellant had no family members who would be able to assist him; the appellant had worked for only two years as a shopkeeper and had no other skills; the appellant was only educated to primary school level; appellant always lived with his mother and sister in Iraq and had not established himself independently; it was irrelevant that the appellant had a modest knowledge of the Arabic language.
3. I do not find that the ground has merit. The appellant's ability to speak Arabic was simply noted by the tribunal as an addition to his skill set. The tribunal's findings that the appellant would be able to contact his family more easily from the IKR was reasonable in the circumstances; the tribunal expressly rejected the appellant's claim that he had lost touch with his family. Further, the appellant's family includes an uncle described by the tribunal [45] as 'wealthy and influential'. It was entirely reasonable for the tribunal to conduct its analysis on the basis that the appellant would be able to receive substantive assistance from this uncle. Further, the appellant's single status would assist him in using his evident resourcefulness to obtain work, a finding plainly available to the tribunal on the evidence. None of the complaints raised by the appellant in Ground 1 succeeds in undermining the tribunal's conclusions on internal flight summarised at [61].
4. Secondly, the appellant challenges the tribunal's findings regarding his mother and sister whom the appellant claimed had been shot and injured by militia. The appellant complains of the tribunal has made no firm findings regarding that claim. I find that the ground does not have merit. At [43], the tribunal found that the appellant had been 'vague and inconsistent' regarding efforts to contact his mother sister and uncle. The appellant claimed that his sister and mother had been injured and it is clear from the tribunal's analysis that the tribunal has found that the mother and sister are still alive and living in Iraq and capable of offering support to the appellant. It would have been helpful had the tribunal made a firm finding regarding their injuries but what the tribunal has to say regarding the continued presence of family members in Iraq is unarguably sound in law.

5. The third ground of appeal was, in effect, withdrawn at the initial hearing before the Upper Tribunal. Mrs Pettersen, for the Secretary of State, accepted that the tribunal at [50] referred to the appellant's claim that his father had been involved in the military police and the Ba'ath Party and not other aspects of his claim, some of which (eg. fear of return to his home area) the tribunal had elsewhere accepted as valid. In the light of Mrs Pettersen's comments, Mr O'Ryan, who appeared for the appellant, made no further submissions in respect of the third ground appeal.
6. The fourth ground of appeal concerns the tribunal's findings at [12] that the appellant's claim that he would be targeted as a result of his father's political connections was not a claim which fell within the terms of the 1951 Refugee Convention. I agree that the claim, should it be accepted, would fall within the Convention on the basis of a political opinion imputed to the appellant but the fact that the tribunal concluded that, even if that part of the claim was genuine, the appellant would not now be at real risk on account of his father's past political activities render this ground of appeal entirely nugatory.
7. In the circumstances and for the reasons which I have given above, I find that the appellant's appeal should be dismissed. I see no reason to interfere with the conclusions of the First-tier Tribunal.

Notice of Decision

8. This appeal is dismissed.

Signed

Date 11 APRIL 2019

Upper Tribunal Judge Lane