



IAC-BH-PMP-V2

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

Appeal Number: PA/00576/2020

**THE IMMIGRATION ACTS**

**Heard at Bradford by Skype for business  
On the 12 August 2020**

**Decision & Reasons Promulgated  
On 18 August 2020**

**Before**

**UPPER TRIBUNAL JUDGE REEDS**

**Between**

**THE SECRETARY OF STATE FOR THE HOME DEPARTMENT**

**Appellant**

**AND**

**RT**

**(ANONYMITY DIRECTION MADE)**

**Respondent**

**Representation:**

For the Appellant: Mr Diwncyz, Senior Presenting Officer

For the Respondent: Ms Brakaj, Solicitor instructed on behalf of the appellant

**DECISION AND REASONS**

**Introduction:**

1. The Secretary of State appeals with permission against the decision of the First-tier Tribunal (hereinafter referred to as the "FtTJ") who allowed his appeal in a decision promulgated on the 28 March 2020.

2. Whilst the Secretary of State is the appellant, for the sake of convenience I intend to refer to the parties as they were before the First-tier Tribunal.
3. I make a direction regarding anonymity under Rule 14 of the Tribunal Procedure (Upper Tribunal Rules) Rules 2008 as the proceedings relate to the circumstances of a protection claim. Unless and until a Tribunal or court directs otherwise the appellant is granted anonymity. No report of these proceedings shall directly or indirectly identify him. This direction applies both to the appellant and to the respondent. Failure to comply with this direction could lead to contempt of court proceedings.
4. The hearing took place on 12 August 2020, by means of *Skype for Business*, which has been consented to and not objected to by the parties. A face to face hearing was not held because it was not practicable and both parties agreed that all issues could be determined in a remote hearing. I conducted the hearing from court at Bradford IAC. The advocates attended remotely via video. There were no issues regarding sound, and no substantial technical problems were encountered during the hearing and I am satisfied both advocates were able to make their respective cases by the chosen means. Mr Diwncyz did not have the appellant's bundle and he was provided with an electronic bundle by Ms Brakaj and time was given for him to read and digest those papers.
5. I am grateful to Mr Diwncyz and Ms Brakaj for their clear oral submissions.

Background:

6. The appellant's claim is summarised in the decision of the FtTJ at paragraphs 15-20. The appellant is an Iraqi national of Kurdish ethnicity. He arrived in the UK on 7 March 2008 and claimed asylum on the same day. The basis of his claim was that he had left Iraq because he was in fear of the family of a girl with whom he had had a secret relationship. His problems had begun in January 2007 when his secret relationship was discovered, and he had been seen with her. She heard subsequently she had been beaten and killed by her family. An arrest warrant had been issued for the appellant.
7. He left Iraq in February 2007, remaining in Iran for eight months and later travelling to the UK via Turkey. He arrived on 7 March 2008.
8. His claim was refused on 16 October 2009 and in a decision promulgated on the 18 December 2009 his appeal against the decision to refuse asylum was dismissed by IJ Balloch. The judge rejected the appellant's account as one that was vague and inconsistent and thus was not a credible one and that the documents that he had produced to advance his claim did not support much of his account or that they were documents upon which the judge could place weight. The judge concluded that the appellant would not be at risk on return to Iraq and in the alternative there was no evidence of suffering any high degree of risk from indiscriminate violence based on the material in 2009.

9. A High Court review was refused on 11 June 2010 and appeal rights were exhausted by the 18 June 2010. He was removed to Iraq on the 17 March 2010 but returned to the UK within a short period of time of his exit. He submitted further submissions up to and including 7 December 2018 all of which were refused. However, he lodged further submissions on 25 October 2019 and on 18 December 2019 a decision was made to refuse to grant asylum in a decision letter of the same date. The claim was considered as a fresh claim and the appellant was given an in country right of appeal.
10. The appeal came before the FtTJ on 27<sup>th</sup> February 2020. The FtTJ set out the immigration history of the appellant at paragraphs 1 – 3 of the decision and also the previous decision of IJ Balloch (paragraph 24 – 25). A summary of the oral evidence was set out at paragraph 15 – 20 and at paragraph 15 the judge observed that the focus of the appeal “rests upon the current circumstances which exist in Iraq at this present time and in particular the ability of the appellant to secure appropriate identity documentation to enable him to return to Erbil and indeed other regions within the IKR”. At paragraphs 21 – 33 the judge set out her findings of fact.
11. On the evidence before the judge, she found that the appellant was a young man of fighting age from Erbil in the IKR who had spent 12 years living in the UK. As to the issue of contact with family relatives, at paragraph 27 the judge gave reasons as to why she was satisfied that the appellant had lost contact with his family members in Iraq; taking into account his length of absence from that country, and that he had been blamed for the death of his mother by his siblings who considered that she had been placed under a huge financial pressure to fund two trips to the UK . At paragraph 28 the judge gave reasons as to why she was satisfied that the appellant had made all reasonable efforts to trace his family which included contact with the Red Cross and attending at the Iraqi Consulate. At paragraph 29, the judge concluded that the appellant was not in possession of any original identification documentation and that it was reasonably likely that he would encounter considerable difficulties when attempting to secure CSID or an INID in the light of having lost contact with his relatives and that there was no male relative who would be willing to try and locate the ID documents in their possession or to help him secure alternative ID documentation.
12. At paragraph 31, the judge considered that it was neither feasible nor reasonable for him to return to the IKR given his lack of documentation and that the appellant had no support network in Baghdad and did not speak Arabic. The judge concluded that in the light of the country guidance caselaw and that without the necessary travel documentation, he would encounter difficulties attempting to travel from Baghdad to the IKR and without the CSID card or a passport there would be a real risk that he would be detained at a checkpoint.

13. The judge therefore allowed his appeal. On 11 April 2020, the Secretary of State issued grounds of appeal against that decision and on 28 April 2020 permission was granted by FtTJ Boyes.

The hearing before the Upper Tribunal:

14. In the light of the COVID-19 pandemic the Upper Tribunal issued directions, inter alia, indicating that it was provisionally of the view that the error of law issue could be determined without a face to face hearing and that this could take place via Skype. Both parties have indicated that they were content for the hearing to proceed by this method. Therefore, the Tribunal listed the hearing to enable oral submissions to be given by each of the parties.
15. Mr Diwncyz on behalf of the respondent relied upon the written grounds of appeal. There were no further written submissions. There was no Rule 24 response filed on behalf of the appellant. I also heard oral submission from the advocates, and I am grateful for their assistance and their clear oral submissions.
16. Mr Diwncyz relied upon the written grounds and that the respondent submitted that the judge had given inadequate reasons for reaching her decision to allow the appeal.
17. In his oral submissions he made reference to the grounds at paragraphs 10 - 14 and that the visit to the embassy was not a valid attempt to obtain the documentation and cited the decision of MA (Ethiopia) in support.
18. He invited the tribunal to find that the decision of the FtTJ demonstrated the making of an error on a point of law as set out in the written grounds.
19. Ms Brakaj submitted that there was no error of law in the decision of FtTJ Bircher and that she had given adequate reasons for reaching the conclusion that the evidence that he had given on the issue of family members and attending at the embassy were credible. She submitted that the judge went into detail about his evidence at paragraph 27 and that it was possible to understand the reasoning of the judge and that the grounds were simply disagreement with the decision.
20. She submitted that the grounds did not assert that the judge was irrational but that they were advanced on the basis of inadequacy of reasons.
21. As the ground 2, there was no westernised analysis adopted and that it had been entirely plausible as to why the family members no longer remained in touch with him.
22. As to visits to the embassy, it was them to the judge to accept the evidence that she had been given and there was no indication of anything further that the

appellant could do. She highlighted the difficulties raised in the country guidance cases as to visits made to the embassy.

23. In summary she submitted that there was no error of law and the decision should stand.

Decision on error of law:

24. The grounds assert that the reasons given by the FtTJ at paragraphs 27 – 33 do not explain why the previous credibility findings of the tribunal are to be departed from and that the FtTJ failed to apply the principles in the decision of Devaseelan ( see paragraphs 1 – 2 of the grounds).
25. I am satisfied that there is no merit in the grounds. The FtTJ sets out the appellant’s immigration history at paragraph 2 and directed herself to the principles arising from the decision in Devaseelan at paragraphs 21 – 22. At paragraph 24 – 25, the FtTJ set out the relevant factual findings of the previous FtTJ (Judge Balloch). It is not suggested on behalf of the respondent that the summary is incorrect and in fact mirrors what is recited in the decision letter. Consequently the FtTJ properly proceeded on the basis that the decision of the previous FtTJ had found that the appellant had failed to give a credible account and one that had been vague and inconsistent and that the copy documentation had not supported much of his account. The FtTJ was plainly aware that in the decision reached in 2009 the judge had concluded that he was not at risk on return to Iraq (see paragraphs 69, 80 and 81 of Judge Balloch’s decision).
26. Contrary to the grounds, the FtTJ expressly acknowledged the previous adverse credibility findings at paragraph 25 of her decision and cited that “the appellant made numerous applications in an effort to have the respondent reconsider the refusal decision and to in effect overturned the findings of immigration judge Balloch. However, the fact remains that despite these numerous attempts to return to the reasons why he claimed asylum, immigration judge Balloch’s findings remain and have never been overturned....”.
27. Notwithstanding the previous adverse credibility findings, in my judgment the FtTJ was entitled to consider the basis upon which the claim had been considered by the respondent and her acknowledgment that this was a fresh claim. This was properly set out by the judge at paragraph 25 where the judge stated:
 

“However, the reason why the further submissions contained within the reasons for refusal letter dated 21 October 2019 gained traction is because of the considerable difficulties some Iraqis are experiencing if returned to Iraq without the benefit of appropriate ID documentary evidence.”
28. At [15], the FtTJ also reminded herself that the focus of the appeal “rests upon the current circumstances which exist in Iraq at this present time and in particular the ability of the appellant to secure appropriate identity documentation to enable him to return....”.

29. Consequently, there is no error of law in the approach taken by the FtTJ to the previous credibility findings and I am satisfied that the judge was well aware of those previous adverse credibility findings when reaching an assessment on the present evidence that was before her.
30. The grounds advanced on behalf of the respondent submit that the judge gave inadequate reasons for reaching the conclusion that the appellant had lost contact with his family members and that he had taken reasonable steps to trace his family and obtain necessary documentation.
31. In this context the grounds assert that it is not clear why the FtTJ accepted the appellant's claim that relationships between himself and his family had deteriorated and that the judge was "lenient" in accepting his claim. Further on the grounds it is asserted that the judge had applied a "westernised analysis" as to the deterioration of the relationship at paragraph 27 (see paragraphs 3, 8 and 9 of the grounds).
32. I have therefore considered the grounds in the light of the decision of the FtTJ and the evidence that was before her. Having done so, I am satisfied that the grounds amount no more than a disagreement with the decision of the FtTJ.
33. The FtTJ set out her findings of fact at paragraphs 21 – 33, having set out the appellant's earlier claim, the adverse credibility findings made by Judge Balloch and the evidence given at the hearing before her as to his present circumstances and his ability to contact his family and obtain the requisite documentation.
34. At paragraphs 27 - 30 the judge gave adequate and sustainable reasons as to why she had found that the appellant was not in contact with his family members and why in her view, having applied the relevant country guidance decision, that he would not be able to secure the necessary documentation. The judge properly took into account the length of time that he had been in the UK, a total of 12 years and went on to state " I am satisfied that the appellant has lost contact with family members in Erbil and the wider IKR for a number of reasons. Firstly having arrived in the UK in 2008 having paid a large sum of money to be brought here by smuggler the appellant was then returned to Iraq with the benefit of yet more money from the sale of the family home he was able to re-enter the UK again in 2010. The appellant explained in cross-examination that his siblings had blamed him for the death of their mother because of the huge financial pressure she was placed under because of the need to fund not one but two trips by the appellant to the UK. The appellant's mother subsequently died and in such circumstances I consider it credible that the appellant's remaining family members in Iraq would not wish to sustain any contact with him. They blame him for their mother's death because of the financial pressure placed upon her to sell the family home to pay for the appellant second trip to the UK. Also, the considerable length of time the appellant has lived in the UK (10 years) means that if relationships were

strained to some extent anyway the prospect of distancing oneself from immediate family members becomes easier given the logistics involved.”

35. It is plain from reading that paragraph that the judge gave a number of reasons as to why she had reached the conclusion from the evidence that he was not in contact with his family members. I do not accept that there was any “westernised analysis” undertaken nor did the FtTJ fail to take into account that the family had agreed to fund his entry to the UK on two occasions. The grounds fail to take into account the evidence given by the appellant, which the judge accepted, that he had been blamed for the death of his mother given the huge financial pressure she had been placed under having had to fund not one but two trips by the appellant to the UK. Those were findings that were reasonably open to the judge on the evidence that was before her.
36. The grounds seek to challenge the factual findings at paragraph 28 where the judge concluded that she was satisfied that the appellant had made reasonable efforts to trace his family to secure the necessary documentation to return to Iraq. At paragraphs 10 – 13 of the grounds it is argued that the judge failed to give adequate reasons for reaching that finding.
37. I am satisfied that there is no merit in that submission either.
38. At paragraph 28 the FtTJ stated as follows:

“I am satisfied that the appellant has made all reasonable efforts to trace his family. Given that the family home was sold the relatives are scattered. I consider that he has made reasonable efforts to locate his family in order to secure the necessary documents which would enable him to embark upon the onward journey from Baghdad to Erbil whether by land or air. He has approached the Red Cross and registered his family details and desire to locate family members. He was informed that it is not their policy to issue letters. Their preferred method of communication is via text to a mobile phone in the event that they have information which they wish to pass on. The Red Cross did however give the appellant a business card which is included in the appellant’s bundle of documents which would indicate that he has been in contact with them and there is also a business card from the Iraqi consul in xx and pictures of the appellant outside the Iraqi consul which would indicate that he has visited their offices.”
39. In my judgment, the above assessment should be read in the light of the factual findings made at paragraph 27. The FtTJ gave specific reasons for reaching the conclusion that the appellant had lost contact with his family members and also took into account his length of absence from Iraq. I do not accept that the FtTJ failed to properly consider the evidence or that the FtTJ failed to give anxious scrutiny to the evidence as the grounds assert. The FtTJ was entitled to take into account his evidence concerning the contact made with the Red Cross. The

judge accepted that the business card in the appellant's possession and in the bundle before her came from that contact. In the light of the evidence that the Red Cross do not give letters (see paragraph 28) and the appellant's evidence set out at paragraph 19 where he stated that he had approached the Red Cross in 2015 and given his family details and had updated them in 2019, it was reasonably open to the FtTJ to reach the conclusion that he had taken reasonable steps to trace his family via contact made to the Red Cross.

40. In his oral submissions Mr Diwncyz referred to the appellant's visit to the embassy as set out at paragraph 28 of the FtTJ's decision. In this context he relied upon the decision of MA (Ethiopia) v SSHD (2009) EWCA Civ 289 to support his general submission that the evidence given by the appellant as to his visit to the embassy was insufficient and could not support the finding made by the judge that the appellant had taken all reasonable steps. In that case, the Court stated that where the essential issue before the Tribunal was whether someone would or would not be returned, the Tribunal should in the normal course require the claimant to act bona fides and take all reasonably practical steps to seek to obtain the requisite documents to enable her to return. The evidence indicated that the appellant, of dual Ethiopian/Eritrean nationality had gone to the Embassy and asked for a passport but told Ethiopian embassy staff that she was Eritrean. That could not constitute a bona fides attempt by the appellant to obtain an Ethiopian passport and her appeal was dismissed.
41. Each case turns on its own facts, and as to this appellant's visit to the embassy the evidence before the FtTJ consisted of a business card from the Iraqi consulate and pictures of the appellant outside the embassy building. It is asserted on behalf of the respondent that the pictures outside the embassy were staged relying upon the presenting Officer's note which was attached to the grounds. I observe that the note does not state that the photos were staged nor does the note recite any of the evidence given during the hearing and thus it provides little or no evidential value when addressing this issue.
42. At paragraph 20 the judge set out the appellant's evidence concerning the visit made to the embassy where he stated it was not possible to make an appointment in advance and therefore he was required to turn up and hope that someone spoke to him. This was consistent with his witness statement at paragraph 6 which made reference to the visit to the consulate in July 2019 and that the consulate said that they could not help him because he did not have any original documents and that they had given him a business card confirming his attendance but that they could not give him anything else.
43. The grounds assert that the appellant did not request copies of his family ID cards. However, the appellant did not have any documents to take with him. In the earlier decision in 2009 the appellant provided documents to the respondent for his claim. They are referred to in the first decision at paragraph 38 and were said to be the ID cards of his father mother and sister. The judge found that



there were no identity documents relevant to the appellant. At paragraph 37, the appellant confirmed that the original documents had been submitted to his solicitors who had given them to the respondent and at paragraph 25 confirmed that he had not received any documents from the Home Office. I accept the submission made by Ms Brakaj that there were no documents at the hearing, and it was not possible to know if any of the documents (whether copies or originals) had been retained nine years later.

44. When looking at the grounds, I am satisfied that they amount to no more than a disagreement with the judge's decision. In light of the evidence that was before the judge it was open to her to find that the appellant had attended the embassy and had taken reasonable steps to obtain the documentation. In my judgement the grounds are selective in referring to the evidence that was before the judge and does not take into account the evidence given by the appellant and that in his witness statement (paragraph 6) which is capable of supporting his account of attending the embassy.
45. Furthermore, the appellant's account was supported by the evidence of Dr Fatah (see AAH) that the embassy in London is "generally very unhelpful" and that the problems of an individual returnee are regarded as "trivial".
46. Whilst the appellant did not take any documents with him that is not surprising in light of his evidence that they had been provided in 2009 had not been returned to him and that the current whereabouts of the documents are not known.
47. Even if it could be said that the appellant had not taken sufficient documentary evidence of the embassy, in the light of the factual findings made by the FtTJ that he had no contact with his family and the specific circumstances in which the lack of contact had taken place, the overall assessment of the judge that he would not be able to obtain the necessary documents ( CSID and ID documents) was open to the judge. This is confirmed by the country guidance decisions before the FtTJ which refers to the requirements for family members to assist the appellant in any application made to the Iraqi consulate.
48. Whilst the Tribunal in SMO appeared to conclude that it is still possible to get a CSID from the embassy in London (at paragraph 383), the likelihood of an individual successfully doing so must be read in light of Dr Fatah's earlier evidence on the point, as set out in the earlier country guidance cases.
49. The passages in AA to which the Tribunal in SMO refer are set out at paragraphs 173-177:
 

"173. As regards those who have an expired or current Iraqi passport but no CSID - Dr Fatah identifies in his first report that a CSID may be obtained through the "Consular section of the Iraqi Embassy in London", which will send a request for a replacement or renewed CSID to the General Directorate for Travel and Nationality - Directorate of Civil Status. A request for a replacement CSID must be accompanied, inter alia, by "any

form of official document in support of the applicant's identity" and the application form must be signed by "the head of the family, or the legal guardian or representative to verify the truth of its contents." He also added that an applicant must also authorise a person in Iraq to act as his representative in order for that person to "follow up on the progress of the application".

174. However, Dr Fatah continued by explaining that if an individual has lost his CSID and does not know the relevant page and book number for it, then the Iraq Embassy in London will not be able to obtain one on his behalf. Instead, he or she will have to attend the appropriate local office of family registration in Iraq or give a relative, friend or lawyer power of attorney to obtain his or her CSID. The process of a giving power of attorney to a lawyer in Iraq to act "as a proxy" is commonplace and Dr Fatah had done this himself. He also explained that the power of attorney could be obtained through the Iraq Embassy.

175. Dr Fatah gave further evidence to the effect that having a marriage certificate may be useful as it would contain data found in the family records. It is, however, not possible to use a "health card" in order to obtain a CSID because there is no primary health care or GP system in Iraq, but instead patients attended hospital when they needed to do so and no central records are held.

176. There is a consensus between Dr Fatah's evidence and the following more general evidence provided by UNHCR-Iraq in April 2015 on the issue of obtaining CSID's from abroad. "In principle, a failed asylum seeker, or indeed any Iraqi citizen abroad, can acquire Iraqi documents through Iraqi embassies and consulates. There is a special authorization granted to these bodies to provide documents for Iraqi abroad on the condition that the beneficiaries should have any available documents in order to prove their nationality."

177. In summary, we conclude that it is possible for an Iraqi national living in the UK to obtain a CSID through the consular section of the Iraqi Embassy in London, if such a person is able to produce a current or expired passport and/or the book and page number for their family registration details. For persons without such a passport, or who are unable to produce the relevant family registration details, a power of attorney can be provided to someone in Iraq who can thereafter undertake the process of obtaining the CSID for such person from the Civil Status Affairs Office in their home governorate. For reasons identified in the section that follows below, at the present time the process of obtaining a CSID from Iraq is likely to be severely hampered if the person wishing to obtain the CSID is from an area where Article 15(c) serious harm is occurring."

50. In 2018 Dr Fatah gave further evidence in AAH:

"26. If applying through a consulate abroad the requirements are different. Having contacted the consulate in London, and checked on the website of the Iraqi embassy in Sweden, Dr Fatah states that the authorities will require the applicant to first make a statement explaining why he needs a CSID and attach this to his application form, which must

countersigned by the head of the applicant's family and stamped by the consulate or embassy; he must then produce his Iraqi passport and proof of status in the country where he is applying, the name of a representative (proxy) in Iraq, an additional form completed by the head of the applicant's family verifying that the contents of his application form were true, four colour copies of his INC, and 10 colour photographs. Crucially the applicant must be able to produce something which can establish the location of his family's details in the civil register. This should be a CSID, an INC or birth certificate. If none of these are available to the applicant he must supply the identity documents of his parents. This evidence again accords with that of Landinfo (December 2017) who conclude that it can be difficult to obtain replacement ID documents from an embassy abroad for the individual who is unable to verify his or her identity.

27. If you are in Iraq, and have all of the required documents, in normal circumstances the process is straightforward and quick and should take no more than three days. Dr Fatah's own daughter was born in the United Kingdom and he managed to obtain her a CSID in one day from the office in Sulaymaniyah, upon payment of a small fee. Dr Fatah was less optimistic about the efficiency of the process if in the United Kingdom. He has regular dealings with the consulate in London and he is not impressed. He said that staff there are generally very unhelpful."

51. Thus as confirmed by the country guidance decisions before the FtTJ and summarised above, which refer to the requirements for family members to assist the appellant in any application made to the Iraqi consulate, this assistance would not be forthcoming in the light of the findings of fact made by the judge as to his lack of contact with family members.
52. Ground three is advanced on the basis that the appellant has contact with his family and has family members who could provide the relevant details to obtain documentation. However for the reasons that I have given above, I am not satisfied that the judge erred in law in the way that the respondent asserts and that the findings made by the judge that he has lost all contact with family relatives and that they are not likely to assist him in obtaining relevant documentation, were reasonably open to him on the evidence. It follows that ground three cannot succeed on that alternative basis.
53. I remind myself that the question whether the decision contains a material error of law is not whether another Judge could have reached the opposite conclusion but whether this Judge reached a conclusion by appropriately directing himself as to the relevant law and assessing the evidence on a rational and lawful basis.
54. The judge had the advantage of considering all the evidence in the case. As the Supreme Court stated in Henderson v Foxworth Investments Ltd [2014] UKSC 41; [2014] 1 WLR 2600 at [62]:

"It does not matter, with whatever degree of certainty, that the appellate court considers that it would have reached a different conclusion. What

matters is whether the decision under appeal is one that no reasonable judge could have reached.”

55. Following Budhathoki (reasons for decisions) [2014] UKUT 341 (IAC) judges need to resolve the key conflicts in evidence and explain in clear and brief terms their reasons for preferring one case to the other so that parties can understand why they have lost. Reasons need not be extensive if the decision as a whole makes sense, having regard to the material accepted by a judge: Shizad (sufficiency of reasons: set aside) [2013] UKUT 85 (IAC), at [10].
56. For the reasons set out above, I am satisfied that the FtTJ gave adequate and sustainable reasons for reaching her findings of fact and her analysis. Thus, it has not been demonstrated that the decision of the FtTJ did involve the making of an error on a point of law. The decision of the FtTJ shall stand.

### **Notice of Decision**

The decision of the First-tier Tribunal did not involve the making of an error on a point of law and therefore the decision of the FtTJ shall stand.

### **Direction Regarding Anonymity – Rule 14 of the Tribunal Procedure (Upper Tribunal) Rules 2008**

Unless and until a Tribunal or court directs otherwise, the Appellant is granted anonymity. No report of these proceedings shall directly or indirectly identify him. This direction applies both to the Appellant and to the Respondent. Failure to comply with this direction could lead to contempt of court proceedings.

Signed *Upper Tribunal Judge Reeds*

Dated 17 August 2020

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### **NOTIFICATION OF APPEAL RIGHTS**

1. A person seeking permission to appeal against this decision must make a written application to the Upper Tribunal. Any such application must be received by the Upper Tribunal within the appropriate period after this decision was sent to the person making the application. The appropriate period varies, as follows, according to the location of the individual and the way in which the Upper Tribunal's decision was sent:
2. Where the person who appealed to the First-tier Tribunal is in the United Kingdom at the time that the application for permission to appeal is made, and is not in detention under the Immigration Acts, the appropriate period is 12 working days (10 working days, if the notice of decision is sent electronically).
3. Where the person making the application is in detention under the Immigration Acts, the appropriate period is 7 working days (5 working days if the notice of decision is sent electronically).

4. Where the person who appealed to the First-tier Tribunal is outside the United Kingdom at the time that the application for permission to appeal is made, the appropriate period is 38 days (10 working days, if the notice of decision is sent electronically).
5. A "working day" means any day except a Saturday or a Sunday, Christmas Day, Good Friday, or a bank holiday.
6. The date when the decision is "sent" is that appearing on the covering letter or covering email