



IAC-AH-SAR-V1

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

Appeal Number: PA/08151/2019

**THE IMMIGRATION ACTS**

**Heard at Bradford  
On 25 February 2020**

**Decision & Reasons  
Promulgated  
On 9 March 2020**

**Before**

**UPPER TRIBUNAL JUDGE LANE**

**Between**

**ARWAND RIZGAR MAMUD  
(ANONYMITY DIRECTION NOT MADE)**

Appellant

**and**

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

Respondent

**Representation:**

For the Appellant: Mr Greer, instructed by Ison Harrison, solicitors  
For the Respondent: Mr Diwnycz, Senior Home Office Presenting Officer

**DECISION AND REASONS**

1. The appellant was born in 2000 and is a male citizen of Iraq. He entered the United Kingdom on 29 November 2018. I note that the appellant's date of birth is disputed. An age assessment was carried out by Coventry Social Services and provides a birth date of July 2000; the appellant claims that he was a child when he entered the United Kingdom. I do not have notice of any proceedings for judicial review by which the appellant might seek to challenge the age assessment. The appellant's claim for international protection was refused by the Secretary of State by decision dated 13 August 2019. The appellant appealed to the First-tier Tribunal which, in a decision promulgated on 10 October 2019, dismissed the appeal. The appellant now appeals, with permission, to the Upper Tribunal.
2. There are two grounds of appeal. First, the appellant submits that, as a minor when he entered the United Kingdom, the Secretary of State was obliged to take steps to trace his family in Iraq. The appellant asserts that, 'the respondent's omission is of real relevance to the question whether the tribunal should accord the appellant the benefit of the doubt in respect of whether he has relatives remaining in Iraq and whether he is able to establish contact with them; if the British state is unable to trace them, and this is relevant to the question of whether the appellant, a private individual, may be able to do so.' The appellant complains that the judge failed to make any mention of these matters in her determination of the appeal.
3. I find that the challenge is without merit. It would appear that when the appellant entered the United Kingdom in November 2018, he was an adult by reference to the local authority age assessment which gives his date of birth is July 2000. The appellant may dispute that assessment but he has taken a no steps to challenge it in law. No obligation therefore rested on the Secretary of State as regards tracing the appellant's family in Baghdad. Secondly, in her analysis of the appellant's account judge has given cogent and sound reasons for concluding that the appellant was not telling the truth. Indeed, many of the findings focus upon the evidence which the appellant gave regarding his family in Iraq, in particular his mother. I find that it was open to the judge [27] to find that it is not plausible the appellant's mother would not have made arrangements to stay in touch with the appellant after he began his journey to the United Kingdom. The points which the judge makes at [28] regarding the appellant failure to make any effort order traces mother whilst he has been living in the United Kingdom are also sound in the light of the fact that the appellant has been deemed to be an adult throughout that period. At [32], judge unambiguously found that the appellant was not truthful witness as regards whereabouts of his mother. She found that it was reasonably likely that the appellant and his mother are still in contact and that she could make arrangements to send to him the original or a copy CSID, 'thereby effectively re-documenting him in the United Kingdom.' The appellant accepts that the judge's findings as regards the unreliability of other parts of his account are sound and he does not challenge them. In the light of that fact, I reject the appellant's challenge to the judge's findings at [32] regarding contact with his mother and, crucially, as regards the likelihood that the appellant would be able to obtain the

necessary identity documentation from Iraq before he travels to that country.

4. The second ground of appeal concerns the judge's findings regarding is the appellant's ability to relocate to the IKR (Independent Kurdish Region). The judge accepted that the appellant that the appellant has no known family living in the IKR who would be able to provide you with accommodation. However, she finds that the appellant is a young fit healthy male who in possession of a CSID, would be able to access employment in the IKR.
5. I have considered the materiality of any error which may have been made by the judge. Since the hearing in the First-tier Tribunal, new country guidance is now available (*SMO, KSP & IM (Article 15(c); identity documents) Iraq CG [2019] UKUT 400 (IAC)*). The appellant's home area is Tuz Khurmatu. The appellant would not be relocating but returning to his home area and, being in possession of the necessary identity documentation, he would not now find there any Article 15 (c) risk. Moreover, *SMO* states as follows as regards the location in Baghdad:

Relocation to Baghdad. Baghdad is generally safe for ordinary civilians but whether it is safe for a particular returnee is a question of fact in the individual case. There are no on-entry sponsorship requirements for Baghdad but there are sponsorship requirements for residency. A **documented individual of working age** is likely to be able to satisfy those requirements. [my emphasis]

The judge's findings regarding the likelihood of the appellant receiving his CSID card whilst he is still in the United Kingdom and as regards the appellant's continuing contact and assistance from his mother are, in my opinion, wholly sound. The formally contested area of Tuz Khurmatu would be accessible to the appellant travelling overland without significant risk; as it is his home area, he would not face the difficulties of a stranger relocating there. Moreover, the appellant personal circumstances are such that he could relocate, if necessary, to Baghdad.

6. For the reasons I have given above, I reject both grounds of appeal. the First-tier Tribunal did not fall into legal error either as asserted in grounds or at all. Accordingly, the appeal is dismissed.

### **Notice of Decision**

This appeal is dismissed.

Signed

Date 26 February 2020

Upper Tribunal Judge Lane