



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

Appeal Number: PA/03347/2020

THE IMMIGRATION ACTS

**Heard at Manchester Civil Justice
Centre
On 28 January 2022**

**Decision & Reasons Promulgated
On the 28 February 2022**

Before

UPPER TRIBUNAL JUDGE LANE

Between

**ATH
(ANONYMITY DIRECTION MADE)**

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Mr Khan (via Teams)

For the Respondent: Ms Young, Senior Presenting Officer (in person)

DECISION AND REASONS

1. The appellant is a citizen of Iraq who was born in 1993. He appealed to the First-tier Tribunal against a decision of the Secretary of State dated 18 May 2020 refusing his claim for international protection. The First-tier Tribunal, in a decision promulgated on 27 May 2021, dismissed his appeal. The appellant now appeals, with permission, to the Upper Tribunal.
2. The appellant claims to have had a relationship out of wedlock with a woman (H) who fell pregnant. H's father is a member of the Peshmerga who, when he found out about the pregnancy, came to the appellant's

home, made threats and fired shots. The appellant then fled to the United Kingdom to claim asylum.

3. In a detailed analysis of the evidence at [17-34], the judge found the appellant and his witness (RJA) who claims to have been at the appellant's home on the night H's pregnancy had been discovered by the family incredible. The grounds of appeal complain that the judge has given inadequate reasons for rejecting the evidence of RJA.
4. First, whilst it is the case that the judge says no more than that he does not accept RJA's evidence 'for all the reasons set out above', those reasons consist of a comprehensive and cogent rejection of every part of the appellant's account, including the relationship with H and H's father's alleged links with the Peshmerga. The same reasons which the judge gives for rejecting the appellant's account apply equally to that of the witness; the reasons are not specific to the appellant's account but rather concern what the judge considered to be the total implausibility of the appellant's relationship with H. In essence, the judge has rejected the witness's evidence of a relationship which the judge finds simply had never existed as described by either the appellant, the witness or at all. In those circumstances, there was no need for the judge to undertake a detailed critique of the witness's evidence or to repeat reasons which he had already given.
5. Second, it was, contrary to what is asserted in the grounds, open to the judge to place weight on the fact that, despite having claimed to have met the appellant in the United Kingdom in November 2020, her witness statement was only prepared in March 2021. The delay is arguably not lengthy but the weight attaching to particular items of evidence and the circumstances in which they are produced in the course of an appeal is a matter for the judge. In any event, even had he not attached weight to the delay, it is clear that the judge would have rejected the credibility of RJA's evidence for the reasons he had already given.
6. Third, the grounds at [18] are wholly wrong to suggest that the judge had not given the appellant 'the benefit of the doubt'. As the Rule 24 response points out, he did exactly that at [20].
7. Fourth, I find that the judge was entitled, on his findings, to conclude that (i) the appellant continues to have contact with his family (ii) that his family will send his CSID identity document to him in the United Kingdom and (iii) in possession of his CSID, the appellant can return safely via Baghdad to his Kurdish home area of Iraq without facing the risks identified in *SMO, KSP and IM (Article 15(c); identity documents) Iraq CG* [2019] UKUT 400. The grounds at [21-22] wholly overlook the judge's clear findings in respect of contact with the appellant's family, the known whereabouts of the CSID and the ability of the family to send it to the appellant before he leaves the United Kingdom.
8. In the circumstances, the appeal is dismissed.

Notice of Decision

The appeal is dismissed.

Signed
Upper Tribunal Judge Lane

Date 2 February 2022

Direction Regarding Anonymity - Rule 14 of the Tribunal Procedure (Upper Tribunal) Rules 2008

Unless and until a Tribunal or court directs otherwise, the appellants are granted anonymity. No report of these proceedings shall directly or indirectly identify them or any member of their family. This direction applies both to the appellants and to the respondent. Failure to comply with this direction could lead to contempt of court proceedings.