



Upper Tribunal
(Immigration and Asylum Chamber)

Appeal Number: PA/01281/2017

THE IMMIGRATION ACTS

Heard at Field House
On 1 August 2018

Decision & Reasons Promulgated
On 9 August 2018

Before

UPPER TRIBUNAL JUDGE PITT

Between

ZAA
(ANONYMITY DIRECTION MADE)

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Mr A Gilbert, Counsel, instructed by Wick & Co Solicitors
For the Respondent: Mr S Walker, Senior Home Office Presenting Officer

DECISION AND REASONS

1. 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 or any member of his family. This direction applies both to the appellant and to the respondent. Failure to comply with this direction could lead to contempt of court proceedings.
2. The appellant is an Iraqi national born in 1994.
3. This is a re-making of the appellant's protection claim. It follows my earlier decision issued on 15 May 2018 that the decision of the First-tier Tribunal Judge disclosed an error of law and should be set aside.

4. The scope of the re-making was limited to a decision on the appellant's claim to be without a CSID or other form of documents to be decided and an assessment of whether he would be destitute on return and so qualify for leave under Article 3 ECHR; see [18]-[19] of the error of law decision.
5. At the hearing before me, Mr Walker conceded that the appellant's evidence showed that he would be unable to obtain a CSID document on return. His witness statement dated 21 December 2017 showed that he and his family had fled their home in Mala Abudullah when it fell to ISIS without any documentation. His family had lived thereafter in an IDP camp supported by a charity. Travel out of the camp was difficult, with a risk that they would be refused entry on return. It was very likely that there would be any offices holding records for the appellant and his family in Mala Abdullah as they had been ransacked or destroyed by ISIS. The office they would have to go to in order to try to obtain documents for the appellant was in Kirkuk which was held by government-backed Shia militia. The area around Kirkuk remained volatile due to conflict between the IKR and the Iraqi government. The appellant's evidence was supported by findings of the Tribunal on the difficulties in obtaining a CSID in areas formerly held by ISIS and in disputed areas in **AAH (Iraqi Kurds - internal relocation) CG [2018] UKUT 00212 (IAC)**, the relevant paragraphs being helpfully set out in Mr Gilbert's skeleton argument.
6. Accordingly, the Secretary of State conceded that the appellant would be unable to obtain a CSID and without that document he could not get to the IKR and internal relocation to Baghdad without a CSID was also not possible. The appellant qualified for leave under Article 3 ECHR therefore as the conditions he would face on return amounted to inhuman and degrading treatment.
7. The decision of First-tier Tribunal disclosed an error on a point of law and was set aside.
8. The appeal is allowed under Article 3 ECHR.

Signed: 
Upper Tribunal Judge Pitt

Date: 1 August 2018