



**Upper Tribunal  
(Immigration and Asylum Chamber)  
PA/04981/2017**

**Appeal Number:**

**THE IMMIGRATION ACTS**

**Heard at Newport  
On 20<sup>th</sup> March 2018**

**Decision & Reasons  
Promulgated  
On 4<sup>th</sup> April 2018**

**Before**

**UPPER TRIBUNAL JUDGE CHALKLEY**

**Between**

**SANGAR FATAH  
(ANONYMITY DIRECTION NOT MADE)**

Appellant

**and**

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

Respondent

**Representation:**

For the Appellant: Mr Ramzan Sharif, Fountain Solicitors

For the Respondent: Mr Irwin Richards, a Senior Home Office Presenting Officer

**DECISION AND REASONS**

1. The appellant is a citizen of Iraq. His date of birth is 5<sup>th</sup> November 1994 and he comes from a town in a contested area of Iraq called Daquq. The appellant travelled to the United Kingdom by lorry via France and Italy, claiming to have arrived in the United Kingdom on 5<sup>th</sup> December 2016. It was on 8<sup>th</sup> December 2016 that he claimed to be a refugee.
2. On 10<sup>th</sup> May 2017, the respondent concluded that the appellant was not a refugee and was not entitled to international protection. The appellant appealed and his appeal was heard by First-tier Tribunal Judge Trevakis on 23<sup>rd</sup> June 2017 in Newport.

3. The judge did not believe the appellant's claim and found him not to be credible. That was a finding which was not challenged.
4. Having made that finding, the judge then appears to have become rather confused, because he then considered the question of sufficiency of protection and concluded that it did not arise and then went on, under the heading of "internal relocation" to note that the appellant did not come from the Kurdish Autonomous Region. The judge noted that it was accepted that the appellant was an Iraqi Kurd and that his destination for removal will be Baghdad. The judge found as a fact that the appellant did not have a CSID, he cannot speak Arabic, he has no friends or family in Baghdad and no sponsor there for accommodation and is from a minority Kurdish community. With regard to the appellant's ability to obtain a CSID, the judge found that it would require him to return to his home area to get one, which is not possible.
5. He went on, at paragraph 47, to find no evidence that the appellant is an enhanced risk category as a returnee to Baghdad given his age and lack of health problems and the judge believed that he would be able to return to Baghdad. Under the heading "Article 15(C)" the judge noted that the appellant's home area is in a contested area of Iraq and that returning the appellant to that area would amount to a breach of Article 15(c). The judge said at paragraph 49:

"Since the appellant does not have a CSID, he cannot be returned direct to the KRG, his return would be to Baghdad, which would not amount to a breach of Article 15(C). However, there is the question as to whether he would be able to obtain a CSID; if not his situation in Baghdad may amount to destitution. The respondent accepts that it is not presently possible to return him to Baghdad".

6. Pausing there, both Mr Sharif and Mr Richards told me that they could find no trace anywhere in the Reasons for Refusal Letter, of the respondent accepting that it was not presently possible to return the appellant to Baghdad. Quite where the judge gained that impression is not clear.
7. At paragraph 50 the judge said this. "It may therefore the be case that, although the appellant has failed to establish his claim for asylum or humanitarian protection, it is not presently possible for him to be returned safely to any part of Iraq." He then went on at paragraph 51 to say:

"As to the suggestion that the appellant could be returned to Iran, to be reunited with his family, there is no evidence that he or they enjoy any status in that country, and therefore that he could be lawfully returned there."

8. Paragraph 51 is rather curious because the judge did not believe any part of the appellant's account. He did not believe, therefore, that the appellant's parents had gone to Iran.
9. The first challenge to the determination dealt with the appellant's removal to Baghdad, but points out that there was no consideration as to whether

or not it would be “unduly harsh” for the appellant to internally relocate. It was also suggested that there was a lack of reasoning in relation to whether or not the appellant is in an enhanced risk category in relation to return to Baghdad, because he is a Sunni Kurd who does not speak Arabic with no CSID.

10. At the hearing before me Mr Sharif drew my attention to page 186 of his 465 page bundle. This section of the Country of Origin Information Report draws on guidance given by the Tribunal in *AA (Article 15(c)) Iraq CG [2015] UKUT 00544 (IAC)*. Having addressed me briefly I asked Mr Sharif why it would not be possible for the appellant to obtain a CISD. Mr Sharif drew my attention to the fact that the appellant’s family were in Iran. I drew his attention to the judge’s adverse finding in respect of the appellant’s claim and suggested that there was no evidence that the appellant’s parents had left Iraq or that the appellant’s uncle and aunt and cousin had left either. As a general matter therefore, I suggested to Mr Sharif that it should be possible for the appellant to obtain a CSID with the assistance of his family members in Iraq. He told me that there was no evidence that the appellant was in contact with his family members.
11. Mr Richards submitted that any errors that there were, were not material. I reserved my decision.
12. I have concluded that the judge did not make any material error of law. *AA (Article 15(c)) Iraq CG [2015] UKUT 00544 (IAC)* makes it abundantly clear that no Iraqi national will be returned to Baghdad, if not in possession of a current or expired Iraqi passport or a laissez passer. It also makes it clear that having a Civil Status Identity Document (CSID) is one of the ways for an Iraqi national in the United Kingdom to obtain a passport or a laissez passer. In this case the appellant does not have a CSID and the question is whether or not he will be able to obtain one reasonably quickly after arrival in Iraq. They are required in order to access financial assistance from the authorities, employment, housing, education and medical treatment. The appellant’s account of what led him to come to the United Kingdom to claim asylum was not believed. He did therefore have parents and an uncle and aunt and a cousin who are likely to be able to provide a means of support to the appellant and help him obtain a CSID.
13. Paragraph 14 of the headnote of *AA* makes it clear that it will not be unreasonable or unduly harsh for a person from a contested area to relocate to Baghdad City. However, the appellant does not need to relocate to Baghdad, because, once he arrives in Baghdad he can, provided he obtains a CSID, travel on to the Kurdish Autonomous Region, which is virtually violence free.
14. Paragraph 19 of the headnote of *AA* makes it clear that a Kurd who does not originate from the Kurdish Autonomous Region can obtain entry for ten days as a visitor and then renew this permission for a further ten days. If he finds employment he can remain longer, although he will need to register with the authorities and provide details of the employer. There is

no evidence that the Kurdish Autonomous Region authorities proactively remove Kurds from the IKR whose permits have come to an end. I was told that there are flights to Erbil and there seems no reason at all why the appellant should not make contact with his family members and apply for a CSID in order that the United Kingdom government can obtain a passport on his behalf. He can then be returned to Baghdad Airport and, without actually leaving the airport, he can embark for Erbil. It would not be unduly harsh to expect him to do so. He is a fit young man and would have a CSID. He will be able to access financial assistance from the authorities, employment, education, housing and medical treatment. If he cooperates with the United Kingdom authorities he will be eligible to a resettlement grant, which would also assist him in the IKR until such time as he is able to find employment.

15. I have concluded that the making of the decision by First-tier Tribunal Judge Trevakis did not involve the making of a material error of law.

**Direction Regarding Anonymity**

The First-tier Tribunal granted the appellant anonymity. I do not believe there to be any reason why the appellant should be afforded anonymity. I remove the direction.

***Richard Chalkley***  
**Upper Tribunal Judge Chalkley**  
**2018**

**Date: 4<sup>th</sup> April**