



IN THE UPPER TRIBUNAL  
IMMIGRATION AND ASYLUM CHAMBER

Case No: **UI-2021-001822**

FtT No: PA/50145/2020

THE IMMIGRATION ACTS

Decision & Reasons Issued:  
On 26 May 2023

Before

UPPER TRIBUNAL JUDGE MACLEMAN

Between

**MOHAMMED BAQY RASHID**  
(no anonymity order)

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Heard at Edinburgh on 10 May 2023

For the Appellant: Mr A Heeps, of McGlashan MacKay, Solicitors  
For the Respondent: Mr A Mullen, Senior Home Office Presenting Officer

**DECISION AND REASONS**

1. FtT Judge Clapham dismissed the appellant's appeal by a decision promulgated on 26 April 2021.

2. Designated Judge Shaerf granted permission to appeal on 19 May 2021:

The grounds are that the Judge arguably erred in law by not fully addressing the particular circumstances the Appellant would be likely to meet ... in obtaining a replacement CSID or an INID as a Sunni Kurd returned ... to Baghdad for onward travel to Kirkuk.

It is arguable the Judge erred in law in failing to consider expressly those parts of the country guidance contained in Section H of *SMO, KSP & IM* (Article 15(c); identity documents) Iraq CG [2019] UKUT 00400 (IAC) relevant to the circumstances of the Appellant.

It is noted that the grounds ... do not seek to challenge the adverse credibility findings made by the Judge.

3. In a rule 24 response, dated 11 June 2021, the SSHD said: ...

It is notable that the appellant's asylum account has been rejected on a number of occasions including his claim not to be in touch with his family. Given the rejection of his account it cannot be accepted without analysis, that the appellant does not have his CSID in Iraq. It will be submitted that the appellant's family can meet him at the airport on his return with his CSID. The burden rests on the appellant to prove he is not in possession of his CSID card either here in the UK or with his family in Iraq. Given he has been found to be without credibility, it is submitted that he has or can arrange for his CSID to be brought to the airport by his family.

It is noted that the Court of Appeal has remitted the case of *SMO* ... back to the UT to consider the issue of CSID's.

4. Mr Heeps helpfully provided a skeleton argument, the thrust of which, as stated at [4], is that "there is scope for the appellant to be granted humanitarian protection due to his inability to re-document." The key point relied upon is that he is from Dara Bag in the district of Daquq in the Kirkuk Governorate. It is noted that country guidance has moved on, now being contained in "*SMO 2*" [2022] UKUIT 00110, and that the Home Office CPIN has been updated in July 2022.
5. The appellant argues that there was error of law by reference to the earlier guidance and information, which is of course relevant for that purpose, which showed that he would not be able to obtain a CSID on arrival in Baghdad.
6. For purposes of remaking the decision, it is argued that the Kirkuk CSA office now provides the INID, which has replaced the CSID, and can be obtained only on personal application; the appellant has been refused assistance at the Embassy in London; and internal travel being impossible without a document, he therefore qualifies for humanitarian protection.
7. The arguments of Mr Heeps for the appellant were the best that could be made of his case, beginning from the absence of documentation; but the difficulty with that, whatever the intricacies and difficulties of obtaining documentation may be, is that the appellant has failed to establish his starting point. He was found not credible by Judge Bradshaw in his first appeal. He showed no cause for Judge Clapham to revisit that. At [48-49] she declined to accept his claim not to be in touch with his family in Iraq; and, indeed, found it probable that he was in touch with them. At [50] she declined to accept that he did not know the details in his "family book".
8. The Judge did not put it quite in this way, but it follows from her findings, as observed in the rule 24 response, that the appellant's family could meet him at the airport with his CSID. It might equally be said that he may have it sent to him or he may already have it. However, it is not for the respondent or for any tribunal to conjecture out of a vacuum the truth about documentation; the decisive point is that the appellant did not establish, even to the lower standard, that he does not have it.
9. The decision of the FtT has not been shown to err on any point of law which requires it to be set aside, so it stands.

10. If the decision had been set aside, there would be no reason to think that that any enquiries at the Iraqi Embassy in London were based on honest disclosure. Applying country guidance and latest information, the position would remain that the appellant has not established any difficulty about documents, such that he qualifies for humanitarian protection. His appeal would again have been dismissed.
  
11. No anonymity order has been requested or made.

Hugh Macleman  
Judge of the Upper Tribunal, Immigration and Asylum Chamber  
11 May 2023