



IN THE UPPER TRIBUNAL
IMMIGRATION AND ASYLUM CHAMBER

Case No: UI-2022-003641

First-tier Tribunal No: PA/02924/2020

THE IMMIGRATION ACTS

Decision & Reasons Issued:
On 14 July 2023

Before

DEPUTY UPPER TRIBUNAL JUDGE SAFFER

Between

PESHRAW JAAFAR AHMED
(No anonymity order made)

Appellant

and

SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Mr Holmes of Counsel

For the Respondent: Mr McVeetie a Senior Home Office Presenting Officer

Heard at Manchester Civil Justice Centre on 29 June 2023

DECISION AND REASONS

1. The Appellant was born on 1 January 1986. He is a citizen of Iraq from Sulaymaniyah in the Iraqi Kurdish Region (IKR). He appealed against the decision of the Respondent dated 12 March 2020, refusing his international protection and human rights claim. It is not necessary to set out those reasons. The brevity of this decision is due to the clarity of the issue and concession by the Respondent.
2. The Appellant appeals against the decision of First-tier Tribunal Birrell, promulgated on 29 June 2022, dismissing the appeal. It is only the decision in relation to humanitarian protection that is the subject of this appeal. The asylum decision is unchallenged.

Permission to appeal

3. Permission was granted by First-tier Tribunal Judge Chinweze on 20 July 2022 who stated:

“3. The judge received evidence in the form of a report from the Immigration Refugee Board of Canada in 2017 that the appellant’s civil affairs office in Iraq was in the process of installing INID terminals in order to replace old style CSID identity cards (para. 64). It is arguable that he gave insufficient weight to the reasonable inference that the process would be much further on at the date of the appellant’s appeal in June 2022, making it less likely that the appellant would be able to obtain an CSID card by proxy from his local civil affairs office in Iraq and thus exposing him to treatment amounting to a breach of Article 3 of the ECHR. SMO & KSP (Civil status documentation; article 15) Iraq CG 2022] UKUT 00110 (IAC) , headnote, 11 and 12. Accordingly, the decision discloses an arguable error of law in placing too little weight on a relevant consideration.”

The First-tier Tribunal decision of 29 June 2022

4. Judge Birrell made the following findings in relation to this issue:

“64. The Appellant is a Iraqi Kurd from Sulaymaniyah. Mr Holmes sought to rely on supplementary evidence in the Report from the Immigration Refugee Board of Canada dated 2017 to suggest that the Appellant would not be able to obtain a replacement CSID card from the Office in Sulaymaniyah as they were installing an IND terminal then and were not likely to be issuing replacement CSIDs via a proxy now. That evidence is old and there is no up to date material before me to suggest that what Mr Holmes speculated would happen has indeed occurred that Sulaymanih no longer issues replacement CSID cards. I note that headnote 13 states *“Where an appellant is able to provide the Secretary of State with the details of the specific CSA office at which he is registered, the Secretary of State is prepared to make enquiries with the Iraqi authorities in order to ascertain whether the CSA office in question has transferred to the INID system.”*

65. SMO2 suggests that there are offices which are still issuing CSID cards and I find that the Appellant has not met the evidential burden of establishing that the Office in Sulaymaniyah no longer issues CSID cards.”

Rule 24 notice

5. There was no rule 24 notice.

Oral submissions

6. Mr McVeetie conceded that the Judge materially erred in relation to the Appellant’s ability to obtain a new CSID. The only evidence before the Judge on the issue suggested the office in Sulaymaniyah was installing an IND terminal. Whilst that evidence was from 2017, the submission at the hearing that they were not likely to be issuing replacement CSIDs via a proxy when the appeal was heard in June 2022 reflected the position the Respondent accepts that very few places in Iraq now issue them. Accordingly the appeal should have been allowed on humanitarian protection grounds.
7. Mr Holmes agreed.

Discussion

8. Given the concession made by the Respondent, I am satisfied that the Judge materially erred in not accepting the submission made regarding the progress made since 2017 of the installation of IND terminals, and consequent inability of the Appellant to obtain a replacement CSID card such as to mean he would be safely able to return to and resettle in Iraq.

Notice of Decision

9. The Judge made a material error of law. I set aside that decision. I remake the decision and allow the humanitarian protection appeal.

Laurence Saffer

Deputy Judge of the Upper Tribunal
Immigration and Asylum Chamber

29 June 2023