



IN THE UPPER TRIBUNAL
IMMIGRATION AND ASYLUM CHAMBER

Case No: UI-2023-001331

First-tier Tribunal Nos: PA/51451/2022

THE IMMIGRATION ACTS

Decision & Reasons Issued:
17th of October 2023

Before

DEPUTY UPPER TRIBUNAL JUDGE CHAPMAN

Between

Mr Krmanj Osman Sied
(NO ANONYMITY ORDER MADE)

Appellant

and

The Secretary of State for the Home Department

Respondent

Representation:

For the Appellant: In person, unrepresented

For the Respondent: Ms Susana Cunha, Home Office Presenting Officer

Heard at Field House on 8 September 2023

DECISION AND REASONS

1. This is the resumed hearing of an appeal that took place on 19 June 2023, when in a decision and reasons issued on 27 June 2023, the Upper Tribunal found that there was an error of law in the decision of the First-tier Tribunal.
2. The error of law is a narrow one and that is whether the judge erred in placing no weight on the Appellant's assertion that he has no identity documentation or that it was lost by the Respondent, in circumstances where the Appellant had handed over his identity card which had been placed on the Home Office file in 2005. The Appellant was subsequently returned to Iraq in 2009 and also removed to Italy under the provisions of the Dublin Regulations in 2015. The issue arising, in light of the country guidance decision of SMO and others (Article 15(c); identity documents) Iraq CG [2019] UKUT 400 (IAC) 2022 UKUT 110 (IAC), is whether the Appellant can be removed to Iraq in the absence of documentation, if indeed he had documents which he handed to the Home Office and they had subsequently been mislaid.
3. A copy of the error of law decision and reasons is appended. Detailed directions were made following the error of law hearing requesting the Respondent to use her best endeavours to check all physical and virtual files for evidence that the

Appellant's national identity or CSID card had been retained or returned to the Appellant and also the disclosure of any relevant notes or information. The Appellant's representatives were thereafter given the opportunity to respond to whatever the Secretary of State submitted and adduced.

4. Prior to the hearing on 8 September 2023, Ms Ahmed, the previous Presenting Officer, had complied with directions and sent by email on 21 August 2023, copies of evidence that had been taken from the Respondent's file, along with a covering email from Ms Ahmed, explaining the contents and attachments to the email. This evidence includes a copy of the Appellant's Iraqi national identity card dated 2005 and a copy of the Appellant's CSID card, which was also on the Home Office file apparently since 2015. Ms Ahmed implied but did not state in terms in her email that these are copies of the original cards still held on file.

Hearing

5. At the hearing before the Upper Tribunal, an email was received from the Appellant's former representatives dated 4 September 2023, writing to confirm that they no longer represent the Appellant and wish to be removed as the acting representative.
6. The Appellant appeared in person, however, his English was not sufficient for him to follow the proceedings and there was a short delay whilst a Kurdish Sorani interpreter was obtained, who could assist via video link.
7. I asked the Appellant, through the interpreter, if he wished to represent himself or seek a new representative, but he was not in funds so not in a position to instruct a new representative. He understood that his solicitors were unable to continue to act for him following receipt of information from the Home Office.
8. At my request, Ms Cunha confirmed that the originals of both the Appellant's Iraqi national identity card and the CSID card are present on his Home Office file. Ms Cunha stated from the Home Office records that the Appellant was removed to Iraq in 2009 utilising the INID card. In 2015 he was removed to Italy on a *laissez passer*. Ms Cunha further confirmed that the Home Office also have an Iraqi passport number A5395045 issued in Baghdad on 10 February 2010, which was presumably the document the Appellant used to return to the United Kingdom following his removal to Iraq in 2009.
9. In these circumstances, I find that there is no bar to the Appellant's removal to Iraq, that he can be provided with his original identity and CSID cards and he also has a passport, which even if expired, could be renewed or otherwise utilised to assist in properly documenting him to travel to or upon return to Iraq.
10. This case no longer has an anonymity order as the Appellant was found not to be at risk on return to Iraq.

Notice of decision

11. The appeal is accordingly dismissed.

Rebecca Chapman

Judge of the Upper Tribunal
Immigration and Asylum Chamber

4 October 2023

