



Upper Tribunal  
(Immigration and Asylum Chamber)

Appeal Number: PA/12070/2016

**THE IMMIGRATION ACTS**

Heard at North Shields  
On 13 July 2018

Decision & Reasons Promulgated  
On 02 August 2018

Before

**DR H H STOREY  
JUDGE OF THE UPPER TRIBUNAL**

Between

**[K A]  
(ANONYMITY DIRECTION NOT MADE)**

Appellant

and

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

Respondent

**Representation:**

For the Appellant: Ms L Brakaj, Iris Law Firm

For the Respondent: Mr M Diwnycz, Home Office Presenting Officer

**DECISION AND REASONS**

1. The appellant is a national of Iraq. In a decision sent on 9 April 2018 I set aside the decision of Judge Hillis of the First-tier Tribunal (FtT) for material error of law, stating that the case would be retained in the Upper Tribunal and that the adverse credibility findings could be preserved; I identified the only remaining issue as being that of internal relocation to the IKR.

2. At the hearing Ms Brakaj made an application for the appellant to be able to give evidence through an interpreter (and if one was unavailable, for an adjournment). I refused that application. The appellant and his representatives were put on notice by the terms of my decision that the judge's findings of fact were to be preserved. The delimitation of the scope of the resumed hearing to internal relocation did not as such exclude that the appellant could apply to be able to give oral evidence, but no such application was made. Between the date of my decision and notice of the resumed hearing there was complete inaction regarding this matter on the part of the appellant's representatives. I also took into account that the appellant had produced a witness statement said to be dated 26 May 2016 which dealt with the issue of internal relocation and he must have been aware that this would be the main focus of attention at any resumed hearing unless he produced a further witness statement and/or applied to give oral evidence.
3. I then heard careful submissions from the two representatives for which I record my gratitude.
4. As a consequence of the terms of my error of law decision, both parties accepted that the appellant could not safely return to his home area of Kirkuk nor could he relocate to Baghdad. The only potentially viable area of relocation was the IKR.
5. Ms Brakaj submitted that the recent country guidance case AAH [2018] UKUT 212 (IAC) was pertinent because of the great importance it attached, in order for a returnee to find safety and live reasonably, of possession of a CSID. In the appellant's case it is accepted that he produced a CSID on arrival but the Home Office had lost so there was only a copy. He did not have a passport. It was not reasonably likely he would be documented. He would not be able to obtain a CSID either here in the UK or in Baghdad and without one he could not undertake onward travel to the IKR. He did not have any friends or contacts either in Kirkuk or the IKR and had not had lawyers' help in Kirkuk.
6. Ms Brakaj submitted that even if the appellant could obtain a CSID he could not safely or reasonably relocate to the IKR as he had stated in his witness statement at paragraphs 11 and 12 that he was a Sunni Muslim and that "I have no connections in IKR. I have no-one to sponsor me and no-one who could offer accommodation and employment." The voluntary return document he signed in February 2011 when he chose to return to Iraq stated that his home area was Kirkuk and said nothing about any connections with the IKR. He had no particular skills and he had never completed his studies and training as a lawyer in Kirkuk. As someone from Kirkuk he would face discrimination in the workplace and in any event in the IKR there was high unemployment. The voluntary return package of £1,500 the appellant could expect to get would at best help him with accommodation for a month or two.
7. Mr Diwnycz submitted that it was reasonable to expect that the appellant would be able to obtain a CSID. He said that since the CG case of AAH the Iraqi government

had resumed flight from Baghdad to Erbil and he produced flight printouts to show there were indeed frequent flights.

8. I am not persuaded that the appellant would not be able to obtain a CSID. Although his original CSID has been lost, the copy that exists provides the registration number which will make it far easier to issue a replacement or a new CSID than in the case of someone who has never had one or who has not kept any details of the CSID registration details. He also has an Iraqi identification card dated 23 July 2005.
9. Nor am I persuaded that the appellant would be unable (assuming he takes reasonable steps) to obtain one whilst in the UK. Ms Brakaj submitted that he has no-one who can assist him in Kirkuk by way of approaching the authorities there to provide him with a replacement or a new CSID. However, on his own evidence his father had been a former Baathist police officer. He has a mother and wife there. His evidence was that he had a family house in Kirkuk. He had lived there for several years until he again left Iraq in 2016. He has an uncle and cousin in Kirkuk and his uncle has already shown a readiness to assist him in leaving Iraq and by informing the appellant about a claimed arrest warrant in the appellant's name. Whilst the appellant's claim to be the subject of an arrest warrant (and to have involvement in a high profile car crash) has been rejected, there is no reason to conclude that the appellant lacks family in Kirkuk and in my judgement it is entirely realistic to expect that family members in Kirkuk would be able to help him obtain a replacement or new CSID and send it to him in the UK.
10. Ms Brakaj has submitted that the appellant would still be unable to relocate safely and reasonably in the IKR even if he can obtain a CSID. She relies in particular on certain paragraphs of AAH, in particular paragraphs 45 and 48. I am not persuaded that the appellant would be unable to live in the IKR without undue hardship. As AAH highlights, having a CSID is of particular importance to prospective employers there. Further, given the active steps the appellant's family in Kirkuk took when he returned before, it is reasonable to assume they would assist him across a short geographical distance for as long as he remained in the IKR. Although he had not qualified as a lawyer, the appellant is well-educated and speaks Kurdish Sorani. It is reasonably likely that his family has some connections in the IKR who would ensure the appellant did not have to live as an IDP or face destitution. For the initial period of his return to the IKR he would still have the benefit of the Voluntary Assistance Package (minus the air fares).
11. Ms Brakaj has contended that to assume the appellant would be able to receive family support in the IKR is contrary to the appellant's witness statement at paragraphs 11 and 12. However, the appellant's account of his circumstances in Iraq both prior to his first and second departures have been comprehensively disbelieved by judicial fact-finders and the adverse credibility findings of Judge Hillis were specifically preserved by me in my decision of 9 April 2018. Further, the appellant's denial of having any connections is vague and unparticularised and does not assert, for example, that there were no family connections of any kind with anyone in the IKR. He did not take the

opportunity offered to him of submitting further evidence or statements or of requesting that he be able to give oral evidence at this resumed hearing.

12. For the above reasons I conclude that the appellant has not established that he would lack a viable internal relocation alternative in the IKR. Accordingly, his appeal is to be dismissed.
13. To summarise:

The decision of FtT Judge Hillis has already been set aside for material error of law.

The decision I re-make is to dismiss the appellant's appeal.

No anonymity direction is made.

Signed



Date 26 July 2018

Dr H H Storey  
Judge of the Upper Tribunal