



**Upper Tribunal
(Immigration and Asylum Chamber)**

Appeal Number: PA/13026/2017

THE IMMIGRATION ACTS

Heard at Birmingham CJC

On 1 November 2018

**Decision & Reasons
Promulgated
On 13 November 2018**

Before

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

Between

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

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Mr S Ahmed, Counsel, instructed by TLP Solicitors

For the Respondent: Mrs H Aboni, Home Office Presenting Officer

DECISION AND DIRECTIONS

1. The appellant is a national of Iraq. In a decision sent on 26 January 2016 Judge Lodge of the First-tier Tribunal (FtT) dismissed his appeal against the decision made by the respondent on 25 November 2017 to refuse his protection claim.
2. The principal ground advanced by the appellant is that the judge's adverse credibility assessment took an irrelevant and

incorrect factor into account. This is said to have arisen in paragraph 45:

“45. In the light of my findings above with regard to the appellant’s credibility I reject his claim that his uncle’s house was burnt down and all the documents lost. In the absence of anything to support that contention I find it far too convenient that a little over two weeks after he said he could provide his ID he telephones his uncle to find that the house has been attacked and the documents destroyed. I am satisfied his CSID is available to him that it is either at his family home (his father’s home) or failing that at his uncle’s. All he has to do when he lands in Iraq is ask for it.”

3. It was pointed out that the judge simply misunderstood the fact that whereas the asylum interview took place in 2016, the information regarding the raid on the appellant’s uncle’s home had come into being in October 2017.
4. At the outset of the hearing Mrs Aboni stated that the respondent accepted that the judge had fallen into error in paragraph 45 and this amounted to a material error. In reply to questions from me she confirmed that the respondent’s position was that she did not oppose the appellant’s appeal.
5. In light of this concession I conclude that the appellant’s grounds establish that the FtT Judge materially erred in law and that his decision must be set aside.
6. I see no alternative to the decision being remitted to the FtT. Mrs Aboni sought to submit that the case could be retained in the UT, but when asked by me the basis for such a submission she said it was because there was no error in the judge’s assessment of the appellant’s circumstances on return, only as regards the practicality of return in view of the appellant’s situation as regards obtaining a CSID. The difficulty with that submission is twofold. First, she had earlier conceded that the judge’s error regarding the CSID matter was a material one and had said she did not oppose the appellant’s grounds which had argued that the judge’s error when assessing the CSID matter had infected his overall credibility assessment. Second, in **AA (Iraq)** [2017] EWCA Civ 944 the Court of Appeal decided that the issue of an applicant’s ability to obtain a CSID could not be severed from the overall risk assessment and was not simply (as the UT had previously said) limited to the issue of the practicality of return.
7. That said, it may well be the appellant faces significant difficulties in resisting the respondent’s submission that his account contains a number of shortcomings.

8. For the above reasons I conclude:

The decision of the FtT Judge is set aside for material error of law.
The case is remitted to the FtT (not before Judge Lodge).

No anonymity direction is made.

Signed

Date 7 November 2018

A handwritten signature in black ink that reads "H H Storey". The signature is written in a cursive style with a large, looped 'S' at the end.

Dr H H Storey
Judge of the Upper Tribunal