



IAC-BH-PMP-V2

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

Appeal Number: PA/00960/2020 (V)

**THE IMMIGRATION ACTS**

**Heard at Bradford by Skype for Decision & Reasons Promulgated  
business**

**On the 19 August 2020**

**On 01 September 2020**

**Before**

**UPPER TRIBUNAL JUDGE REEDS**

**Between**

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

Appellant

**AND**

**SA**

**(ANONYMITY DIRECTION MADE)**

Respondent

**Representation:**

For the Appellant: Ms R. Petterson, Senior Presenting Officer

For the Respondent: Ms M. Cleghorn, Counsel instructed on behalf of the  
appellant

**DECISION AND REASONS**

**Introduction:**

1. The Secretary of State appeals with permission against the decision of the First-tier Tribunal (Judge Moran) (hereinafter referred to as the "FtTJ") who allowed his protection appeal in a decision promulgated on the 15th March 2020.

2. Whilst the Secretary of State is the appellant, for the sake of convenience I intend to refer to the parties as they were before the First-tier Tribunal.
3. I make a direction regarding anonymity under Rule 14 of the Tribunal Procedure (Upper Tribunal Rules) Rules 2008 as the proceedings relate to the circumstances of a protection claim. Unless and until a Tribunal or court directs otherwise the appellant is granted anonymity. No report of these proceedings shall directly or indirectly identify him. This direction applies both to the appellant and to the respondent. Failure to comply with this direction could lead to contempt of court proceedings.
4. The hearing took place on 19 August 2020, by means of *Skype for Business*. which has been consented to and not objected to by the parties. A face to face hearing was not held because it was not practicable, and both parties agreed that all issues could be determined in a remote hearing. I conducted the hearing from court at Bradford IAC. The advocates attended remotely via video. There were no issues regarding sound, and no substantial technical problems were encountered during the hearing and I am satisfied both advocates were able to make their respective cases by the chosen means. I am grateful to Ms Petterson and Ms Cleghorn for their clear oral submissions.

Background:

5. The appellant's claim is summarised in the decision of the FtTJ at paragraph 15. The appellant is an Iraqi citizen of Kurdish ethnicity from Kuz Khurmatu.
6. Between April - May 2018 he started work in a chicken factory with his cousin. It is stated that members of the militia group Hash-al Shaabi frequently attended the factory, assaulted him and stole chickens.
7. On a date in November, members of the militia attended at the factory in 3-4 vehicles in the early hours of the morning intent on stealing more chickens. He remained in the building, but his cousin went outside. The appellant saw that they were holding a gun to his cousin's head and as the appellant went to go out, his cousin shouted at him not to go as he was opening the door. Then then fired at the door but he was not hit. The appellant fired back some shots from the window and then ran away.
8. Having escaped he tried to return home a few hours later but noticed that the house was surrounded so he went to the home of the owner of the factory who informed the appellant that his cousin had been killed. He drove the appellant to Sulaymaniyah where he arranged travel with someone else and the appellant left Iraq overland via Turkey.

9. The appellant arrived in the United Kingdom on 28 February 2019 and made a claim for asylum on the same day.
10. His personal documents were left at the factory after he had left, and it was assumed by the appellant that was how the militia were able to know of his address.
11. He last had contact with his mother when he was in Turkey and she told him that they were going to her home and harming her. He is not in contact with anyone else in Iraq and has no family or other support network in the IKR. His father died in 1991 and has no male relatives. He has approached the Red Cross in an effort to trace family members, but they have not been able to do so.
12. In a decision letter dated 19 January 2020 the Respondent refused his claim for asylum. It was accepted that he was a national of Iraq and of Kurdish ethnicity.
13. The decision letter considered that he did not have a genuine subjective fear on return to Iraq. As to his claim that he would be at risk from the Has Militia the respondent did not accept that he had given a credible or consistent claim.
14. In summary, whilst it was accepted that the Hashd-al Shaabi had a presence in Tuz and that there had been external reports of violations committed in the area, his account of being specifically targeted by the militia had been inconsistent and it was not accepted that he had been targeted by the militia as claimed.
15. Consideration was also given to Article 15 (c) in the light of the country guidance decision in SMO, KSP and IM (Article 15(c);identity documents) Iraq CG [20199] UKUT 00400 Specific consideration was given to documentation and feasibility of return (excluding the IKR) and internal relocation within Iraq including the IKR.
16. His claim was therefore refused on all grounds. The appellant lodged grounds of appeal against that decision. The appeal against that decision came before the FtTJ on the 6 March 2020 and in the decision promulgated on 15 March 2020 his appeal was allowed.
17. The FtTJ set out his analysis of the evidence and his findings of fact at paragraphs 15 - 21. After considering the issues of credibility that had been raised on behalf of the respondent and conducting an analysis of the evidence before him, he concluded that he was satisfied that the core of the appellant's claim was true. The judge stated that he had given an account that was detailed and consistent with the background country evidence and therefore accepted that the appellant would be at risk of serious harm from the militia if returned to his home area in Iraq. At [21] the judge observed that it had not been argued that he could avoid any risk by relying on state protection.

18. As to the issue of relocation, the FtTJ accepted his evidence that he was not in contact with his family and whilst he had attempted to locate them via the Red Cross he had not located them. The judge also found he had no family or other support network in the IKR region. At [22] the FtTJ considered that he would be returned to Baghdad and would have to make his way to the IKR from there but would need a CSID or an INID to do so and as he was not in contact with his family they could not offer any assistance to him to provide documentation. Having considered the objective material advanced on behalf of the appellant (see paragraph 17) the judge accepted that the new INID system had been rolled out in his home area therefore in accordance with the country guidance decision in SMO he would need to be in his home area to provide his biometrics and as he was not able to get there without the appropriate documentation the judge concluded he could not safely reach the IKR to relocate.
19. At [23] the judge considered that even if he was able to reach the IKR that relocation for the appellant would be unduly harsh. He accepted that the difficulties might be eased by the voluntary return payment but concluded that this was not a long-term solution and as the appellant had no other means of support the judge considered that he would not be able to obtain employment in the light of the appellant's lack of any connections, his limited skills and the high rate of employment among IDP's. The judge considered it was therefore likely that he would have to resort to a critical care shelter and would not have the means to pay for basic necessities as his finding employment would be slim.
20. The judge therefore allowed his appeal on asylum and Article 3 grounds on the basis that there was a reasonable degree of likelihood that he would be subjected to persecution if returned to Iraq being at risk from the militia and it had been conceded in the refusal letter that this amounted to imputed political opinion.
21. Permission to appeal was issued and on 7 April 2020 permission was refused by FtTJ Nightingale but on reconsideration was granted by Upper Tribunal Judge Allen on the 11 June 2020.

The hearing before the Upper Tribunal:

22. In the light of the COVID-19 pandemic the Upper Tribunal issued directions, inter alia, indicating that it was provisionally of the view that the error of law issue could be determined without a face to face hearing and that this could take place via Skype. Both parties have indicated that they were content for the hearing to proceed by this method. Therefore, the Tribunal listed the hearing to enable oral submissions to be given by each of the parties.
23. Ms Petterson on behalf of the respondent relied upon the written grounds of appeal. There were no further written submissions on behalf of the respondent. A Rule 24 response was filed on behalf of

the appellant which I have read and taken into account. I also heard oral submission from the advocates, and I am grateful for their assistance.

Decision on error of law:

24. It is not necessary to set out the submissions of each of the parties in full as I will set out the relevant aspects of those submissions when dealing with the grounds advanced on behalf of the Secretary of State and my consideration of those issues.
25. Ms Petterson relied upon the written grounds. The grounds submit that the judge failed to give adequate reasons. In her oral submissions Ms Petterson submitted that paragraphs 1 and 2 of the grounds sought to challenge the credibility findings of the FtTJ.
26. At paragraph 1 of the written grounds it is submitted that it is clear that the FtTJ had concerns around the credibility of the Appellant taking all his forms of I.D (CSID, Nationality Certificate and Passport-Para 15(v)) to a chicken factory (his place of employment) as is made clear at Para 16(iv)(v) and Para 20. The FtTJ stating "I bear in mind however that Iraq is a very different country where having documentation to hand may be much more important than it is in the UK." (Para 16(iv)). With respect the FtTJ had the benefit of the guidance given in [SMO, KSP & IM \(Article 15\(c\); identity documents\) Iraq CG \[2019\] UKUT 00400 \(IAC\)](#); it is clear that a passport is of little use within Iraq (see headnote 11 of 'SMO') as a form of ID and it is therefore unclear why the FtTJ states "I do not think I can safely reject this explanation"?
27. At paragraph 2 it is submitted that in light of the importance of CSID being needed to navigate check points throughout Iraq (amongst other things) the FtTJ had given no consideration of the credibility of the appellant failing to retain the CSID on his person whilst at work. As the guidance in 'SMO' makes clear this is a crucial document and one, therefore, that individuals can reasonably be expected to take steps to avoid losing. The FtTJ seemingly gave no consideration to how the appellant navigated checkpoints within Iraq without access to his CSID? The FtTJ at para 20 accepted the evidence set out at para 15 which *was silent on this point*?
28. I am satisfied that there is no error of law in the FtTJ's assessment of credibility and his subsequent findings of fact. It is plain from reading the decision that the FtTJ gave careful consideration to the evidence before him and I accept the submission made by Ms Cleghorn that the FtTJ correctly directed himself by considering the evidence "in the round".
29. At paragraph 14 the FtTJ made reference to having "reviewed all the evidence" and at paragraph 15 set out a summary of the appellant's

evidence taken from his witness statement, his asylum interview, and his oral evidence.

30. It is not the case that the FtTJ failed to address the credibility issues which had been raised in the decision letter and he expressly considered those issues at paragraph 16.
31. In reaching his assessment of the credibility of the appellant the FtTJ carefully weighed the evidence taking into account the consistency of the evidence. He highlighted a concern at paragraph 16 (iv) as to whether he would have his documents with him at the chicken factory and why he had his passport with him (at paragraph 16(v)). However, when making his omnibus credibility assessment at paragraph 20 and having weighed up those points in the context of the evidence as whole the FtTJ stated "I have considered whether these are significant matters to prevent him establishing his case to the lower standard. His account was broadly consistent, detailed and consistent with the background country evidence. "
32. As regards paragraph 1 of the respondent's grounds, I accept Ms Cleghorn's submissions that he weighed up an inconsistency as to documents at the chicken farm and against his consistency in the rest of the account which was broadly internally consistent, detailed and consistent with background evidence and found that the lower of standard of proof was decisive in this appeal. It was therefore reasonably open to the FtTJ to accept his account that he had his documents with him at the chicken farm.
33. I fail to see how the FtTJ was in error at paragraph 16 (iv) and (v) as asserted in paragraph 1 of the grounds. The FtTJ considered the explanation given by the appellant for having the documents with him and was entitled to take in to account that whilst this maybe surprising for someone to do this in the UK, that the circumstances are to be considered against the backdrop of the country in question -" I bear in mind that Iraq is a very different country where having documentation to hand may be more important than it is in the UK". Furthermore, the appellant gave an explanation for having a passport and it was reasonably open to the FtTJ to accept the explanation given which was reflected in his assessment at paragraph 16(v) when he stated " I do not think I can safely reject this explanation." As Ms Cleghorn submits, the explanation given by the appellant has some support from the previous country guidance and that whilst now it may be the case that a passport is of little use, when looking back at the previous CG decision , it is clear that historically a passport could assist with obtaining a replacement CSID and could be used for internal travel.
34. Paragraph 29 of AA (Iraq) states: *29. A CSID, INC or passport is required in order to register for these monies. Cash benefits are only provided to the head of household and family relationships must be documented. In the IKR IDPs need a copy of either their CSID, INC or*

*passport in order to obtain a residency letter, without which the IDP may not be able to register for the monies or other services. IDPs are not permitted to travel within the IKR because residency cards are only applicable in the governorate of issue. All government procedures in the IKR are being delayed due to the large number of IDPs.*

35. The Tribunal acknowledges in SMO (at para 380) that:

*“We consider the position in relation to passports to be equally clear, and we accept the evidence given by Dr Fatah that this is perceived as a document for international use, rather than for domestic travel or accessing domestic services. We recognise that this represents a slight departure from the extant country guidance, in which it was accepted that a passport could be used for internal travel.”*

36. I am also satisfied that there is no error in the FtTJ’s assessment of the evidence which concerned the appellant’s ability to pass through the checkpoint. The appellant had stated in his evidence that he had been able to pass through one checkpoint without being stopped having been “waved through” as he was accompanied by a well-known individual ( see witness statement at paragraphs 32 and 33 and Q 28 and 51 of the interview). Ms Cleghorn, who had represented the appellant before the FtTJ had a note of the evidence given orally and that he had been asked in evidence about passing through and he had stated that there had been only one checkpoint which he encountered and that he was waved through and also that he had avoided other checkpoints by taking a different route. I accept the submissions made by Ms Cleghorn that his evidence was not an unreasonable proposition and that in the CG decision of AAH it had been said that particularly in the IKR that corruption is rife and that if a person is well connected enough they can secure jobs for friends and family members therefore it is not unreasonable to expect that is someone as rich and connected as the man claimed by the appellant, they are not going to face the same problems as ordinary civilians.
37. In the light of that evidence, it was reasonably open to the FtTJ accept the appellant’s account (see paragraph 16(viii)).
38. Consequently, I see no error of law in the FtTJ’s assessment of the evidence on the basis advanced on behalf of the respondent.
39. I now turn to the paragraphs which Ms Petterson submitted were her principal grounds namely paragraphs 3 and 4.
40. At paragraph 3 it is submitted that the FtTJ gave no reasons why the appellant could not be expected to recall the relevant volume and page reference number within the Family Book such that he could obtain a replacement CSID from an Iraqi Consulate within the UK (as per headnote 13 of ‘SMO’) and that there is no obvious reason

why he would require his family to remind him of such crucial information (see Para 391 of 'SMO').

41. Ms Petterson therefore submitted that the appellant would therefore be able to obtain a CSID and as paragraph 4 submitted, the FtTJ materially erred by stating that the Appellant would need to be in Iraq to secure an ID document (at Para 22), having failed to adequately explain why a replacement CSID could not be obtained from an Iraqi Consulate within the UK prior to return (see also Para 383 of 'SMO'). Once in possession of the CSID from the UK the Appellant would be able to return to Iraq and enrol his biometrics for a new INID card in due course.
42. Ms Cleghorn submitted that the Appellant studied to year 5 of primary school, he did not have a father (which is also relevant to the ability to obtain replacement cards as it follows the patrilineal line) and worked as a chicken guard since childhood. If he has never had cause to travel around, or access schooling beyond primary school, been to the hospital or needed accommodation, then there is no reason at all that he would have learned the details of his CSID any more than a person in the UK would know, off the top of their head, their driving license number or passport number.
43. In her written submissions she stated that the Tribunal in SMO - other than mere assertion - did not give any reason for how they reached the conclusion that people would be able to *'recall the relevant volume and page reference number within the family book'* and without more information, in the body of SMO as to how this would be so and how this conclusion was reached so that the FtTJ could properly apply this reasoning, it was entirely open to the FtTJ to consider that a person who didn't finish primary school, without a father, and who only ever did manual jobs locally, might not be able to remember their book number details.
44. I have carefully considered the competing submissions set out above. In my judgment, whilst the appellant had little education, part of his account was that he had his CSID with him at the factory because his mother had advised him to keep all his important documents with him. Against that background, it could reasonably be inferred that he would know the details of a document that he carried around in his possession.
45. However, that evidence had to be seen in the light of the overall findings of fact made by the FtTJ and that he made an express finding that the appellant was not in contact with his family and that whilst he had taken steps to locate them via the Red Cross he had not done so. At paragraph 22 the FtTJ properly took into account that he would need a CSID or an INID in order to relocate to the IKR (via Baghdad). He stated that "as he is not in contact with his family they cannot offer any assistance with his documents."



46. In the light of the factual findings made by the FtTJ that he had no contact with his family and the specific circumstances in which the lack of contact had taken place, the overall assessment of the judge that he would not be able to obtain the necessary documents ( CSID and ID documents) was one that was open to the judge. This is confirmed by the country guidance decisions before the FtTJ which refers to the requirements for family members to assist the appellant in any application made to the Iraqi consulate in the UK .
47. Whilst the Tribunal in SMO appeared to conclude that it is still possible to get a CSID from the embassy in London (at paragraph 383), the likelihood of an individual successfully doing so must be read in light of Dr Fatah's earlier evidence on the point, as set out in the earlier country guidance cases.
48. The passages in AA to which the Tribunal in SMO refer are set out at paragraphs 173-177:

"173. As regards those who have an expired or current Iraqi passport but no CSID - Dr Fatah identifies in his first report that a CSID may be obtained through the "Consular section of the Iraqi Embassy in London", which will send a request for a replacement or renewed CSID to the General Directorate for Travel and Nationality - Directorate of Civil Status. A request for a replacement CSID must be accompanied, inter alia, by "any form of official document in support of the applicant's identity" and the application form must be signed by "the head of the family, or the legal guardian or representative to verify the truth of its contents." He also added that an applicant must also authorise a person in Iraq to act as his representative in order for that person to "follow up on the progress of the application".

174. However, Dr Fatah continued by explaining that if an individual has lost his CSID and does not know the relevant page and book number for it, then the Iraq Embassy in London will not be able to obtain one on his behalf. Instead, he or she will have to attend the appropriate local office of family registration in Iraq or give a relative, friend or lawyer power of attorney to obtain his or her CSID. The process of a giving power of attorney to a lawyer in Iraq to act "as a proxy" is commonplace and Dr Fatah had done this himself. He also explained that the power of attorney could be obtained through the Iraq Embassy.

175. Dr Fatah gave further evidence to the effect that having a marriage certificate may be useful as it would contain data found in the family records. It is, however, not possible to use a "health card" in order to obtain a CSID because there is no primary health care or GP system in Iraq, but instead patients attended hospital when they needed to do so and no central records are held.

176. There is a consensus between Dr Fatah's evidence and the following more general evidence provided by UNHCR-Iraq in April 2015 on the issue of obtaining CSID's from abroad. "In principle, a failed asylum seeker, or indeed any Iraqi citizen abroad, can acquire Iraqi documents through Iraqi embassies and consulates.

There is a special authorization granted to these bodies to provide documents for Iraqi abroad on the condition that the beneficiaries should have any available documents in order to prove their nationality."

177. In summary, we conclude that it is possible for an Iraqi national living in the UK to obtain a CSID through the consular section of the Iraqi Embassy in London, if such a person is able to produce a current or expired passport and/or the book and page number for their family registration details. For persons without such a passport, or who are unable to produce the relevant family registration details, a power of attorney can be provided to someone in Iraq who can thereafter undertake the process of obtaining the CSID for such person from the Civil Status Affairs Office in their home governorate. For reasons identified in the section that follows below, at the present time the process of obtaining a CSID from Iraq is likely to be severely hampered if the person wishing to obtain the CSID is from an area where Article 15(c) serious harm is occurring."

49. In 2018 Dr Fatah gave further evidence in AAH:

"26. If applying through a consulate abroad the requirements are different. Having contacted the consulate in London, and checked on the website of the Iraqi embassy in Sweden, Dr Fatah states that the authorities will require the applicant to first make a statement explaining why he needs a CSID and attach this to his application form, which must be countersigned by the head of the applicant's family and stamped by the consulate or embassy; he must then produce his Iraqi passport and proof of status in the country where he is applying, the name of a representative (proxy) in Iraq, an additional form completed by the head of the applicant's family verifying that the contents of his application form were true, four colour copies of his INC, and 10 colour photographs. Crucially the applicant must be able to produce something which can establish the location of his family's details in the civil register. This should be a CSID, an INC or birth certificate. If none of these are available to the applicant he must supply the identity documents of his parents. This evidence again accords with that of Landinfo (December 2017) who conclude that it can be difficult to obtain replacement ID documents from an embassy abroad for the individual who is unable to verify his or her identity.

27. If you are in Iraq, and have all of the required documents, in normal circumstances the process is straightforward and quick and should take no more than three days. Dr Fatah's own daughter was born in the United Kingdom and he managed to obtain her a CSID in one day from the office in Sulaymaniyah, upon payment of a small fee. Dr Fatah was less optimistic about the efficiency of the process if in the United Kingdom. He has regular dealings with the consulate in London and he is not impressed. He said that staff there are generally very unhelpful."

50. At paragraph 28 of AAH Dr Fatah is recorded as saying:

“If some of the documents were missing it might generally take you up to a month to collate and replace them all. In his live evidence, when pressed by Mr Singh, Dr Fatah acknowledged that it may be possible, when dealing with some officials, to obtain a CSID even if one does not have all of the documents listed above. He conceded that an official might be ‘persuaded’ to overlook the official requirements, and that there may be some degree of flexibility about the process in some governates. He maintained however that it would normally be the case that these documents would be required. The key piece of information that the individual would however have to have would be his family’s volume and page reference number in the civil register. Without that, the individual “is in trouble”. He could only obtain a new CSID if the Registrar was prepared to trawl through volume after volume looking for the family record. In his evidence before the Tribunal in AA (Iraq) Dr Fatah wondered if such an official would be willing to undertake such a task or could be “made willing”. The Tribunal concluded that this was not likely. The only way that a totally undocumented Iraqi could realistically hope to obtain a new CSID would be the attendance at the civil registry of **a male family member** prepared to vouch for him or her. The production of a CSID from, for instance, an uncle, would enable the Registrar to trace back through the record to find the individual’s father, and in turn him.”

51. It is submitted therefore that he would need a male relative to assist. In any event, as Ms Cleghorn has pointed out, Dr. Fatah’s evidence in SMO, which post-dates AAH, records at (para 366): Dr Fatah did not believe that a CSID could be obtained from abroad any more, since it had been replaced by the INID. At [968]-[980], however, he described how a CSID could have been obtained in the past from an embassy.
52. Thus as confirmed by the country guidance decisions before the FtTJ and summarised above, which refer to the requirements for family members to assist the appellant in any application made to the Iraqi consulate, this assistance would not be forthcoming in the light of the findings of fact made by the judge as to his lack of contact with family members.
53. The grounds at paragraph 5 submit that it is unclear why the FtTJ accepted that the new INID card has been ‘rolled out’ in the Appellant’s home area (see para 22) on the basis of the Representatives reliance (para 18) on the SSHD’s CPIN of Feb 2019 (see para 17). It is submitted that this CPIN predates ‘SMO’ and the guidance there heard that the roll out of the INID’s was behind schedule (see paragraph 383 and 389 of SMO).
54. I am satisfied that there is no error in the FtTJ’s assessment where he stated that the INID had been rolled out in the appellant’s home area. I accept the submission made by Ms Cleghorn that it was reasonably open to the FtTJ in applying the lower standard of proof, that the INID card has been rolled out to Tuz Khurmatu. It is impossible to say conclusively in which parts the system has been rolled out to but, it

seems clear that the excerpt in the CPIN only reflects part of the document on which it relies.

55. It appears to be based on a 2017 land info report (excerpts of which can be found at <https://www.refworld.org/docid/5aa914a14.html>)

### **2.1 Roll-out of the Issuance Program**

*In correspondence with the Research Directorate, a legal counsel from an Erbil-based law firm that provides legal services in areas such as visa, residency, and immigration affairs, stated that*

*[d]igitization of the National Registry was first commenced in Iraq but expanded and included the Kurdistan Region since March 2016. Every Iraqi citizen now can approach the competent issuing authorities and claim for the Unified Nationality ID card. (Legal Counsel 25 June 2017)*

*The 2017 Landinfo report states that,*

*[translation]*

*[a]ccording to information available on the home pages of the Directorate for a national ID card (as reported in Norway's embassy in Amman 2016), the new ID card was first issued on September 13, 2015, in Jisr Dyala in Baghdad. Since then, cards are being issued in most parts of Iraq.*

*The Iraqi consulate in Oslo (telephone conversation November 2016) recently informed Landinfo that all Iraqis will get their own personal number that will be added to the new ID card. This number can be used in every circumstance.*

*The consulate further informed us that the new ID cards are issued by the same Civil Status Offices or Departments as the old cards. Some of these have still not obtained the equipment necessary to issue the new cards, but the equipment has been distributed to all provinces with the exception of Anbar, Ninewa and Salah-al-Din, where there are ongoing military operations. The consulate noted, however, that it may be that new cards are being issued in some peaceful areas of Salah-al-Din, such as Tuz Khurmatu.*

56. There is no dispute that the appellant is from Tuz Khurmatu. The land info report was from 2017 and in consideration of that material it is reasonably likely that the system has been rolled out in the Appellant's home area and therefore that was a finding open to the FtTJ to make.
57. Even if that were in error, it is not material as on the factual findings of the FtTJ which were open to him on the evidence and in the light of the objective material, that the appellant would not be able to obtain a replacement CSID from abroad and cannot exist in Baghdad while

trying to obtain a replacement CSID ( if it were possible there) without experiencing Article 3 conditions for the reasons set out in SMO.

58. For those reasons, I am not satisfied that it has been demonstrated that the decision of the FtTJ did involve the making of an error on a point of law. The decision of the FtT shall stand.

**Notice of Decision**

The decision of the First-tier Tribunal did not involve the making of an error on a point of law and therefore the decision shall stand.

**Direction Regarding Anonymity - Rule 14 of the Tribunal Procedure (Upper Tribunal) Rules 2008**

Unless and until a Tribunal or court directs otherwise, the appellant is granted anonymity. No report of these proceedings shall directly or indirectly identify him. This direction applies both to the Appellant and to the Respondent. Failure to comply with this direction could lead to contempt of court proceedings.

Signed Upper Tribunal Judge Reeds

Dated 25 August 2020

### **NOTIFICATION OF APPEAL RIGHTS**

1. A person seeking permission to appeal against this decision must make a written application to the Upper Tribunal. Any such application must be received by the Upper Tribunal within the appropriate period after this decision was sent to the person making the application. The appropriate period varies, as follows, according to the location of the individual and the way in which the Upper Tribunal's decision was sent:
2. Where the person who appealed to the First-tier Tribunal is in the United Kingdom at the time that the application for permission to appeal is made, and is not in detention under the Immigration Acts, the appropriate period is 12 working days (10 working days, if the notice of decision is sent electronically).
3. Where the person making the application is in detention under the Immigration Acts, the appropriate period is 7 working days (5 working days if the notice of decision is sent electronically).
4. Where the person who appealed to the First-tier Tribunal is outside the United Kingdom at the time that the application for permission to appeal is made, the appropriate period is 38 days (10 working days, if the notice of decision is sent electronically).
5. A "working day" means any day except a Saturday or a Sunday, Christmas Day, Good Friday, or a bank holiday.
6. The date when the decision is "sent" is that appearing on the covering letter or covering email