



**Upper Tribunal  
(Immigration and Asylum Chamber)      Appeal Number: PA/05712/2019**

**THE IMMIGRATION ACTS**

**Heard at Manchester (by Teams)  
On the 25<sup>th</sup> July 2021**

**Decision & Reasons Promulgated  
On the 3<sup>rd</sup> August 2021**

**Before**

**UPPER TRIBUNAL JUDGE LANE**

**Between**

**KSK  
(ANONYMITY DIRECTION NOT MADE)**

Appellant

**and**

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

Respondent

**Representation:**

For the Appellant: Ms Bracaj

For the Respondent: Mr Diwnycz, Senior Presenting Officer

**DECISION AND REASONS**

1. The appellant is a citizen of Iraq who was born in 1994. He appealed to the First-tier Tribunal against a decision of the Secretary of State made on 7 June 2019 refusing his claim for international protection. The First-tier Tribunal, in a decision promulgated on 23 February 2021, dismissed his appeal. The appellant now appeals, with permission, to the Upper Tribunal.
2. The only issue between the parties is that of internal flight. At [26], the judge recorded that the appellant would face a real risk in his home area of Iraq (Koya, where the appellant's family member still reside). The appellant claims that he fears family members of two KDP guards who

died in an altercation at a checkpoint in which the appellant had been involved.

3. Permission was granted in the Upper Tribunal on the basis that the judge may arguably have failed to take into account certain factors detailed in the grounds of appeal in reaching his decision that the appellant could safely relocate within Iraq. Those factors are: the appellant had been in hiding following the incident and that this explains why he had not suffered retribution from the family of the deceased; the appellant could not access direct support from his own family who had been 'approached by those the appellant fears' and would not 'risk discovery' by openly assisting the appellant; the appellant sought the help of the police 'but was not offered any' thereby indicating the 'level of influence on those searching for him (*sic*)'
4. I find that the First-tier Tribunal did not err in law for the reasons advanced in the grounds of appeal or at all. First, the judge gives sound reasons at [26] for finding that the appellant had failed to prove on the evidence that the family of the dead guards had such influence that they would be able to locate and harm him anywhere in the IKR. It was plainly open to the judge to find 'the appellant's evidence [on this part of the claim] to be vague and lacking detail.' In my opinion, that primary diminishes any possible error in the judge's assessment in the following paragraph [27] regarding the time which the appellant spent in Sulaimaniyah following the incident. It is the case that the judge does not in terms refer to the fact that the appellant claimed that he spent that period in hiding. However, the judge is not required to refer to each and every element of the evidence; he was well aware of the appellant's claim to have been in hiding as this was detailed in the appellant's witness statement which the judge confirms was in the bundle of documents before him [29]. Moreover, the judge's comprehensive finding at [26] (see above) means that the appellant could relocate to the IKR and not be required to hide whilst remaining undetected by those who may seek to harm him.
5. Secondly, I note that, whilst they may have been 'approached' by the family of the dead guards, the appellant's own family members have not been harmed. It is not likely that, by seeking to assist the appellant, his family would have to expose themselves to risk from others who would not even be aware that the appellant had returned to Iraq.
6. Thirdly, I note that the appellant has a copy of his CSID whilst his family hold the original. Significantly, the appellant is still in touch with his family, speaking to them once or twice every month [29]. The judge found that the appellant 'is able to have access to [the original CSID] should it required' [29]. I take this to indicate several possible courses of action. First, the family could meet the appellant at the airport and give the card to him (as the respondent suggests in the Rule 24 response [5]) but it must also include sending the card by post or courier to the appellant whilst he remains in the United Kingdom. If that course of action were

taken, the family would not need to expose themselves to risk (even assuming such risk exists) and the appellant could travel from Baghdad to safety in the IKR. In the IKR, the appellant, a fit young man capable of work, would have the continuing support of his family (albeit perhaps at a distance), to find accommodation and employment.

7. Finally, the grounds at [7] assert that the appellant had sought the help of the police and their failure to assist him 'is indicative of the level of influence on those searching for him (*sic*)'. With respect, there are very many possible reasons why the police did not assist the appellant whilst there is absolutely no evidence that the reason they did not help him had anything to do with those who may wish to harm the appellant. The assertion wholly fails to disturb the judge's firm finding at [26] that the appellant would not be located and harmed by hostile third parties if he relocated the IKR.
8. For the reasons I have given, the First-tier Tribunal did not err in law. Accordingly, the appeal is dismissed.

**Notice of Decision**

The appeal is dismissed.

Signed  
Upper Tribunal Judge Lane

Date 25 July 2021

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

Unless and until a Tribunal or court directs otherwise, the appellants are granted anonymity. No report of these proceedings shall directly or indirectly identify them or any member of their family. This direction applies both to the appellants and to the respondent. Failure to comply with this direction could lead to contempt of court proceedings.