



IN THE UPPER TRIBUNAL  
IMMIGRATION AND ASYLUM CHAMBER

Case No: UI-2022-005988  
First-tier Tribunal No: PA/53637/2021  
IA/09659/2021

THE IMMIGRATION ACTS

Decision & Reasons Issued:  
On the 24 October 2023

Before

UPPER TRIBUNAL JUDGE HANSON

Between

FH  
(ANONYMITY ORDER MADE)

Appellant

and

SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

**Representation:**

For the Appellant: Mr Wood of the Immigration Advice Service (Middlesborough).  
For the Respondent: Ms Young, a Senior Home Office Presenting Officer.

Heard at Phoenix House (Bradford) on 15 September 2023

**Order Regarding Anonymity**

**Pursuant to rule 14 of the Tribunal Procedure (Upper Tribunal) Rules 2008, [the appellant] (and/or any member of his family, expert, witness or other person the Tribunal considers should not be identified) is granted anonymity.**

**No-one shall publish or reveal any information, including the name or address of the appellant, likely to lead members of the public to identify the appellant (and/or other person). Failure to comply with this order could amount to a contempt of court.**

**DECISION AND REASONS**

1. In a decision promulgated on 11 July 2023, the Upper Tribunal found the First-tier Tribunal had erred in law in a manner material to the decision to dismiss the appeal. The matter was listed for a Resumed hearing, which comes before me today, to enable the Upper Tribunal to substitute a decision to either allow or dismiss the appeal.
2. The findings made by the First-tier Tribunal bar those relating to the issue of Iraqi identity documents are preserved. Those findings can be summarised as follows:

- a. The evidence provided by the appellant did not warrant departing from earlier findings made by First-tier Tribunal Judge Fisher as the appellant relied on facts that were not materially different from those put to Judge Fisher which the First-tier Tribunal in the decision set aside regarded as settled. Judge Fisher's findings include,
  - i. it even if the appellant married his first wife without her parents consent he had been able to live in Zawayah 19 years without any problems indicating he would not be at risk on return from her family.
  - ii. In respect of the appellant's claim to be at risk as a deserter, Judge Fisher found the appellant's evidence to be inconsistent and lacking in credibility. Judge Fisher did not find the appellant was ever a member of the Zeravani Army or that he deserted and was at risk.
- b. In relation to the claim of real risk as a result of posting on Facebook, the postings are not genuine and a further attempt to bolster his asylum claim [25], but the evidence did not establish the appellant contributed to his own material or that he was a regular participant in Facebook, did not establish he had a high profile, showed him as being one person in a large crowd attending a demonstration, that there was no evidence to show the demonstrations the appellant attended attracted the UK media, there was no evidence the NTR interview received wide circulation in Iraq, no evidence to show the appellant to come to the adverse attention of the Kurdish authorities, that the appellant had no political profile when in Iraq and has a very low profile if any now in the UK, and his social media activities added very little to his claim [26].
3. The issue at this stage therefore remains whether, despite there being no real risk to the appellant on the basis of his claim for international protection, he is entitled to leave to remain on the basis of the issue of documentation.
4. Following cross-examination the advocates made their respective submissions.
5. On behalf of the Secretary of State Ms Young referred to the preserved finding that the appellant is not credible.
6. It was submitted that in accordance with published policy the Secretary of State will now return the appellant to Erbil.
7. The appellant can return to Iraq, he has family in Iraq who can support him, and that although he claimed he gave his CSID to the German authorities, his claim not have such documentation was rejected in the refusal letter and that if he was in possession of the CSID he could travel to his home area and get an INID if needed.
8. On behalf of the appellant Mr Wood relied upon a skeleton argument dated 31 July 2023, and argued that even though the appellant had been found to lack credibility on some issues he could still be credible on other. Mr Wood referred to the appellant's evidence that the German police had taken his CSID and provided him with a copy.
9. Mr Wood submitted the appellant will be returned to Baghdad as per the reasons for refusal letter but that even if he was returned to Erbil he would not have any documents and so could not go beyond the arrival lounge at the airport as his Laissez Passer would be removed on arrival. It was argued that as he has no ID documents and will need to get to the relevant CSA office the appeal should be allowed on Article 3 ECHR grounds.

### Discussion and analysis

10. It is not made out the appellant will not be able to obtain a Laissez Passer from the Iraqi Embassy in the UK with which he can fly to Iraq.

11. It was not disputed that this document will be removed from him on arrival, as it is only a temporary travel document.
12. Even though the reasons for refusal letter, dated 6 July 2021, mentions return to Baghdad the Secretary of State has published an updated policy that enforced returns are to any airport in Iraq. I find the appellant's home city is Erbil in the IKR to which the appellant will be returned directly with the use of a valid travel document.
13. The submission by Mr Wood that he would, in any event, be stranded at the airport, is without merit and not supported by adequate country information. The appellant has been in the UK for a long time, was found not credible in relation to the events that he relied upon in support of establishing an entitlement to international protection or leave to remain on any other basis and has not established any credible claim indicating that he is wanted by the authorities in Iraq for any reason. The statement in the reasons for refusal at [33] that the appellant does not hold a political profile or is of interest to the authorities in Iraq, especially in the IKR, is correct. I do not find it made out therefore that the appellant will be prevented from leaving the airport in Erbil.
14. The appellant has been found to have family in Iraq who no doubt remain in the appellant's home area as there is no credible evidence to suggest otherwise. It is not made out his family will be unable to meet him at the airport. The appellant refers to having a copy of his CSID which, even if his claim the original was taken by the German police is true, means he has in his possession a copy of the document which will provide the relevant details including a reference number or means of identification for the issuing office.
15. Although Mr Wood claims that the appellant will not be out of travel to his local CSA office, he does not identify specifically where that offices in Erbil, or establish that to travel within Erbil, which does not involve crossing borders between the IKR and government-controlled areas of Iraq, the appellant will require any form of documentation. It is not made out the appellant will not be able to make an appointment either before leaving the UK or on arrival at his local CSA office to provide his biometrics to enable him to obtain his INID, if required.
16. I do not find the appellant has established that he will not be able to access the necessary documents to enable him to live a normal life within Iraq. I do not find it made out that the appellant will not be able to be returned to his home city of Erbil. I do not find it made out the appellant will not be met by family who will assist in enabling him to re-establish himself in his home state. I do not find it made out the appellant will not be able to redocument himself at his local CSA office or that any period between returning to Erbil and subsequent appointment to obtain his INID, if required, will result in ill treatment sufficient to entitle him to a grant of international protection pursuant to Article 3 ECHR or on any other basis.
17. I do not find the appellant has discharged the burden of proof upon him to the required standard show he is entitled to the remedy he seeks. On that basis I dismiss the appeal.

### **Notice of Decision**

18. Appeal dismissed.

**C J Hanson**

Judge of the Upper Tribunal  
Immigration and Asylum Chamber

**17 October 2023**