



IN THE UPPER TRIBUNAL
IMMIGRATION AND ASYLUM CHAMBER

Case No: UI-2023-001778

First-tier Tribunal No: PA/55097/2022

THE IMMIGRATION ACTS

**Decision & Reasons Issued:
On 22nd of December 2023**

Before

UPPER TRIBUNAL JUDGE HANSON

Between

**DIA
(ANONYMITY ORDER MADE)**

Appellant

and

SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Mr K Wood of IAS

For the Respondent: Ms Young, a Senior Home Office Presenting Officer

Heard at Phoenix House (Bradford) on 15 December 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. The appellant appealed with permission a decision of First-tier Tribunal Judge Hands ('the Judge'), promulgated following a hearing at Newcastle on 30 March 2023, in which the Judge dismissed his appeal on all grounds.
2. The appellant is a citizen of Iraq born on 16 July 1989. The Judge records the appellant having left Iraq in June 2014 and entering the United Kingdom in

March 2019. He claimed asylum on 1 April 2019. The Judge notes the appellant left the United Kingdom in October 2019 but later returned. His claim for international protection was refused on 1 November 2022 which was the subject of the appeal before the Judge.

3. The appellant appealed the Judge's decision. Permission to appeal was granted following a renewed application by Upper Tribunal Judge Lindsley on 14 June 2023, in part. The operative part of the grant being in the following terms:

3. The grounds of appeal contend, in short summary, that the First-tier Tribunal erred in law in firstly, failing to take into account material matters and in failing to provide any or adequate reasons for findings on material matters. It was accepted that the appellant's village was attacked by ISIS and he and his family separately fled the village at paragraph 17 of the decision. At paragraph 27 it is not accepted that the appellant is not in contact with his family but no consideration is given to the fact that they had had to flee following the ISIS attack in 2014. This is a material matter as it goes to the appellant's ability to redocument himself. I do not find this ground arguable as at paragraph 29 of the decision unarguably reasonable reasons, relating to financing of the appellant's escape after 2014, are given for finding that the appellant had contact with family after this time.

4. Secondly, it is argued, the First-tier Tribunal erred in law because it failed to make a finding on a material matter. The First-tier Tribunal failed to make a finding on where the appellant's home Civil Status Affairs Office is located so as to determine whether they are still issuing CSIDs or whether they have switched to INIDs, which is material as only certain departments in the Mosul district are issuing CSIDs according to the respondent's information and if the appellant is within the INID system he cannot be returned due to Article 3 ECHR risks when travelling to his home area. I find this ground is arguable.

4. The appellant's error of law appeal was heard by Deputy Upper Tribunal Judge Metzger KC sitting at Field House on 11 September 2023. In a decision promulgated on 10 October 2023 it is written:

6. At paragraph 28 and 29 of the decision, there is reference to the appellant having claimed he left Iraq with his identity documents and he had a CSI D whilst living in Iraq which he lost in France where he spent some time in the company of a cousin.

7. Although the Judge did make findings in relation to lack of contact between the appellant and his family, there was no finding, at least expressly and I cannot safely be inferred, that the Judge disbelieved the appellant in relation to the loss of his documents in France. There was simply no clear finding on that question.

8. At paragraph 31 of the decision, the Judge stated that the process in relation to obtaining documents such as a CSID or INID card upon return to Iraq is straightforward and should take no longer than one to two months. However, Mr Lindsay properly conceded that the appellant could not now return to Iraq to obtain an INID card. Although the Judge stated in paragraph 32 that there was no reason why the appellant's CSI D card could not be sent to the appellant or why the appellant could not be met by his family or relatives, in my view he could not deal directly or satisfactorily with the question as to loss of documentation that the appellant claimed in relation to his CS ID card.

9. In the circumstances, I therefore find that it is not possible to determine whether the appellant could now obtain a CS ID card and there is certainly no finding at all in relation to the appellant's home Civil Status Affairs Office so that it can be determined whether they are still issuing them or whether they have switched to INID's. I therefore find that the error of law is material and that these important findings, namely in relation to what happened to the appellant's original CSID and

whether he or his family would need to obtain a further CSID from the local office in Mosul or whether he is within the INID system will require determination.

Discussion and analysis

5. The matter comes before me today for the purposes of substituting a decision to either allow or dismiss the remaining aspect of the appellant's appeal.
6. In the respondent's Country Policy and Information Note (CPIN), internal relocation, civil documentation and returns, Iraq, October 2023 (updated 1 November 2023) it is noted at paragraph 3.7.12 that since the promulgation of the most recent country guidance relating to Iraq of SMO [2022] UKUT 110 (IAC) the British Embassy in Baghdad and the Iraqi Embassy have confirmed that there are no longer any CSID issuing offices in Iraq due to the rollout of the INID and that CSID's are therefore no longer attainable to Iraqi nationals in the UK.
7. It is accepted at paragraph 3.7.9 that, as at the date of publication of the CPIN, INID's cannot be obtained while a person is in the UK unless replacing an in-date lost ID by proxy. There is no evidence the appellant has been issued with an INID in this case.
8. Although it is a narrow issue being considered, whether the appellant has his CSID, reference was made to the earlier findings of the Judge by Ms Young relating to the appellant's lack of credibility.
9. The First-tier Tribunal made adverse credibility findings, did not find the appellant to be a credible and reliable witness, was not satisfied (i) that he encountered any difficulties as a result of any work his father may have done as a member of the Ba'ath Party, (ii) was an informer for the Iraqi army or (iii) that he faced any difficulties after he left his claimed work at the airbase, despite the appellants claiming that he did.
10. It was submitted by Ms Young that care should therefore be taken in relation to the evidence now given by the appellant that although he had his CSID with him when he left Iraq he had lost this whilst he was in the 'jungle' in Calais waiting to cross the English Channel to the UK.
11. The appellant in his asylum interview claimed he was brought to the UK with the assistance of an agent but when asked when he paid the agent he claimed he did not pay the agent because he did not have any money, and as he had suffered due to what had happened to his situation the agent told him he was not charging him.
12. Those matters the appellant claimed to have occurred to him have been found never to have occurred and that that claim lacked credibility. The appellant on his own evidence was from a wealthy family in Iraq. The methods of the people smugglers bringing people to the UK from France are well known as they are regularly referred to in the public press. The smuggling of people to the UK is a business. There is great demand for places on the small boats for which a substantial sum of money is charged by the agents. It appears implausible that, for reasons the appellant claims which have not been shown to be plausible or truthful, he would be given free passage effectively at a loss to the people smuggler of the benefit of a valuable commodity, a space on a small boat, without charge.
13. The point raised by Ms Young, however, relates to the reply to question 108 of his asylum interview. The appellant was asked whether he had a CSID card in Iraq to which he replied, "yes I have had my national certificate and Iraqi national identification they are all in IRQ".
14. When this reply was put to the appellant he blamed the interpreter or implied there was an interpretation issue and denied saying what was recorded. The appellant however confirmed during the interview that he understood the

- interpreter and in the concluding questions that he understood the questions and did not add anything further to his replies. I accept the submission there was no correction made by the appellant's representatives in relation to this answer given by the appellant following the interview.
15. This is an important answer. It was made by the appellant during his asylum interview when he was setting out his case to the interviewing officer in support of his claim for international protection. At that time the material now available in relation to the importance of a CSID was not in the public domain as it is now or known to him.
 16. Although Mr Wood referred to the appellant claiming subsequently on more than one occasion that he had lost his CSID in the jungle in France, on the basis of the answer given in the asylum interview none of these later comments can be credible as he would not have had his CSID with him as he left it in Iraq.
 17. I accept the submission by Mr Wood that the Court of Appeal have recently provided guidance in relation to the assessment of credibility and that there are a number of authorities available referring to the need for caution when assessing whether an individual is telling the truth or not, and that it is only having undertaken a comprehensive assessment of all the available evidence, both objective and subjective, with the required degree of anxious scrutiny, that any conclusion upon whether an individual's account is credible or not can be reached. I also accept that it is plausible for an individual to be found to lack credibility in relation to some aspects of their claim yet to be found credible in relation to other aspects. I also accept that what is being considered when assessing the evidence is the lower standard of proof applicable to an asylum appeal.
 18. Considering all the evidence holistically therefore requires me to judge, on the evidence as a whole, whether the appellant is telling the truth now in relation to losing his CSID in the 'jungle' when compared to previous claims he made that he left it in Iraq, not ignoring the fact he has been found to have lied in his bid to secure his desire to be permitted to remain in the UK.
 19. Having done so I find the appellant has not discharged the burden of proof upon him to the required lower standard to show that his claim that he lost his CSID, such that he no longer has any access to it, is true. It is clear that the appellant will say what he thinks he needs to say to enable him to stay in the UK. As found by the First-tier Tribunal Judge, the aim of the appellant has always been to get to the UK notwithstanding his claim his family are materially comfortable in Iraq.
 20. If the appellant has his CSID with him he will be able to use that document when returned to Iraq to enable him to re-establish himself and pass through any checkpoints to enable him to return to his home area and his local CSA office to provide biometrics and obtain the INID now being issued.
 21. If his claim to have left his CSID in Iraq is true it would have been with his family. The First-tier Tribunal Judge specifically states at [27] of the earlier decision that she did not believe the appellant's claim he does not know where his family are or to have no contact with them.
 22. The First-tier Tribunal Judge specifically finds that there is no reason why the appellant's CSID could not be sent to him in the United Kingdom or why he could not be met by family or relatives at the airport within a reasonable time of his arrival to facilitate the safe travel to his home area in Mosul Governorate.
 23. In light of the preserved findings of the First-tier Tribunal and the specific findings I have made above in relation to the only outstanding issue, I find the appellant has failed to establish that he is a credible witness. I do not find the appellant has established that he does not have access to the identity documents that he will need to enable him to return to his home area. I do not

find the appellant has established that he does not have contact with family and will not have the support of his family members to assist him on return until he is able to re-establish himself within Iraq.

24. I do not find the appellant has established an entitlement to a grant of international protection on any basis is under the Refugee Convention, to a grant of Humanitarian Protection, or under the European Convention on Human Rights or the Immigration Rules, on any basis.

25. I therefore dismiss the appeal.

Notice of Decision

26. Appeal dismissed.

C J Hanson

Judge of the Upper Tribunal
Immigration and Asylum Chamber

15 December 2023