



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

Appeal Number: PA/00889/2019
PA/00890/2019

THE IMMIGRATION ACTS

**Heard at Field House
On 22 August 2019**

**Decision & Reasons Promulgated
On 5 September 2019**

Before

UPPER TRIBUNAL JUDGE PITT

Between

**SYA
DKM
(ANONYMITY DIRECTION MADE)**

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Mr Mustafa, Counsel, instructed by CB Solicitors
For the Respondent: Mr Walker, Senior Home Office Presenting Officer

DECISION AND REASONS

Pursuant to Rule 14 of the Tribunal Procedure (Upper Tribunal) Rules 2008 (SI 2008/269) I continue the anonymity order made by the First-tier Tribunal. Unless the Upper Tribunal or a Court directs otherwise, no report of these proceedings or any form of publication thereof shall directly or indirectly identify the original appellants. This direction applies to, amongst others, all parties. Any failure to comply with this direction could give rise to contempt of court proceedings.

1. This is an appeal against the decision dated 15 April 2019 of First-tier Tribunal Judge Lodge which refused the appellant's protection and human rights appeals.
2. The appellants are nationals of Iraq. The first appellant was born on 22 November 1999 and she is the daughter of the second appellant, born on 1 January 1982. They are of Kurdish ethnicity. They came to the UK on 6 September 2016 and claimed asylum on the basis of a blood feud or reprisals from another tribe as a result of a road traffic accident in which two young men were killed. The claims were refused in a decision dated 18 January 2019.
3. The First-tier Tribunal did not find the account of the road traffic accident and mistreatment thereafter to be credible. The appellants appealed against the credibility findings but were not granted permission to appeal in the permission decision of the Upper Tribunal dated 1 July 2019.
4. The only ground of appeal before me concerned the availability of internal relocation. Paragraph 4 of the grounds stated:

“At [81]-[83] Judge Lodge concludes that, even if the Appellants were telling the truth about their fears in their home area, the Appellants would be able to relocate to another area of the IKR to avoid their enemies. Judge Lodge give (sic) no consideration to the practical difficulties that the Appellants may face on seeking to relocate within the IKR and makes no reference to the country guidance case of AAH (Iraqi Kurds - internal relocation) Iraq CG UKUT 212 (IAC). It is therefore submitted that the determination displays inadequate reasoning and is wrong in law.”
5. The grant of permission stated that:

“However, it is arguable that insufficient consideration was given to the Country Guidance, including AAH (Iraqi Kurds - internal relocation) Iraq CG [2018] UKUT 00212 (IAC) and the ability to relocate elsewhere in the IKR, a relatively small area of Iraq. On that issue alone permission is granted.”
6. The grounds and the grant of permission make it clear that the only issue in question is that of internal relocation and the application of the Country Guidance on that point. The grant of permission did not act to admit a ground of challenge that the credibility findings were in error for failing to apply Country Guidance, as argued by Mr Mustafa before me. Paragraph 4 of the grounds does not set out such a challenge and the grant of permission does not admit or grant permission on such a challenge.
7. The evidence before the First-tier Tribunal was that the family were from Sulaymaniyah in the Independent Kurdish Region (IKR). In paragraph 12, the judge recorded the evidence of the first appellant that her maternal grandfather was living in the IKR. In paragraph 20, the evidence of the first appellant was that her grandfather had assisted her and her mother to leave Iraq. The evidence of the second appellant was the same; see

paragraph 25. The first appellant's father (the second appellant's husband) confirmed, as recorded in paragraph 42, that his father-in-law remained in Iraq.

8. There was no direct evidence before the First-tier Tribunal from the appellants concerning the location of their CSID documents. The evidence at its highest was that they left Iraq with nothing and illegally. As above, the appellants were not found credible. It was specifically not considered credible in paragraph 76 of the decision that they had not brought with them documents to support their asylum claims. The judge found that "they had ample time to obtain all the documents".
9. Further, nothing in the materials or the decision suggests that the First-tier Tribunal was asked to find that the appellants did not have access to their CSID documents. The skeleton argument and witness statements before the First-tier Tribunal were silent on the issue and there is no reference in those documents or elsewhere to the appellants expecting to have any difficulties in going from Baghdad to the IKR because of not having a CSID.
10. Given those matters, it is not my view that the case put to the First-tier Tribunal was that the appellants did not have access to their CSID documents or could not obtain them. There can therefore be no material error in failing to apply AAH. The case put to the First-tier Tribunal did not require it to do so. If it had done so, the appeal would still have been refused as nothing showed other than that they could use existing CSIDs and travel from Baghdad to the IKR without difficulty.
11. Further, as above, they have a male relative in Iraq who was significant in assisting them to leave the country. There is no reason to suppose that he will not be prepared to assist with their return. They are returning with their father/husband also so will not be returning without male support. Even if they do not have access to their CSIDs following paragraph 1 of the headnote of AAH, nothing in the evidence suggests that the appellants would not be able to obtain the ones they left at home via their male relative in the IKR or, with his assistance, provide the information that would make obtaining a new CSID "straightforward". There was no evidence indicating that there were difficulties with their relevant civil registry office. Nothing suggests that the grandfather/father could not assist with the administrative work involved in obtaining a new CSID.
12. It is therefore my conclusion, firstly, that the factual matrix before the First-tier Tribunal was that the appellants had access to their CSIDs so there was no issue concerning return to the IKR via Baghdad; see paragraph 3 of the headnote of AAH. In the alternative, the only other possible factual matrix before the First-tier Tribunal was that, with the assistance of a male relative, the appellants could be expected to obtain a CSID that had already been issued to them or obtain a new one and then return to the IKR. It is therefore not material the First-tier Tribunal did not apply AAH as the appeal could not have been allowed on the basis of the guidance on internal relocation and CSIDs set out in that case.

13. For these reasons, it is my conclusion that there is no material error in the decision._

Notice of Decision

The decision of the First-tier Tribunal does not contain an error on a point of law and shall stand.

Signed: 
Upper Tribunal Judge Pitt

Date: 22 August 2019