



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

**Appeal Number: PA/07855/2018**

**THE IMMIGRATION ACTS**

**Heard at Bradford  
On 1 March 2019**

**Decision & Reasons Promulgated:  
On 11 March 2019**

**Before**

**UPPER TRIBUNAL JUDGE HEMINGWAY**

**Between**

**Emad Najm Amin  
(ANONYMITY NOT DIRECTED)**

Appellant

**and**

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

Respondent

**Representation:**

For the Appellant: No appearance

For the Respondent: Mrs R Pettersen (Senior Home Office Presenting Officer)

**DECISION AND REASONS**

1. This is the claimant's appeal to the Upper Tribunal, brought with the permission of a Judge of the First-tier Tribunal, from a decision of the First-tier Tribunal (hereinafter "the tribunal") which it sent to the parties on 14 September 2018; whereupon it dismissed his appeal against a decision of the Secretary of State made on 25 May 2018 to refuse to grant him international protection.

2. Shorn of all but the essentials, the background circumstances and the asserted facts underpinning the claim to be entitled to international protection are as follows: The claimant, who was born on 11 December 1990, is a national of Iraq of Kurdish ethnicity. He hails from Kirkuk but he says he had spent time living in the Kurdish administered region of Iraq (the "IKR") because he

had been employed by a Member of Parliament one Ashwaq Jaff of the Kurdish Democratic Party (“KDP”). He says that whilst in that employment, he was approached by a group of armed men who asked him to supply information which he had access to in consequence of his employment but that he refused. He was then threatened with harm or death. He did not inform his employer but instead fled, leaving Iraq on 28 August 2017. He travelled through various countries before entering the United Kingdom illegally on 3 December 2017 and claiming asylum. He says he does not now possess identity documentation including what is known as a CSID card and that the lack of such documentation would cause him insurmountable problems if he were to be returned to Iraq. He also mentioned a claimed growing interest in Christianity. The Secretary of State, though, disbelieved most of what he had to say and that is why the decision of 25 May 2018 was taken.

3. The tribunal heard the appeal on 26 July 2018. The claimant attended but was not represented. He gave oral evidence. The Secretary of State was represented. The tribunal took appropriate measures to ensure the claimant was not disadvantaged (see paragraph 7 of the tribunal’s written reasons of 5 August 2018). The tribunal found the claimant had not been the victim of threats from any armed group, that he had worked for Ashwaq Jaff as claimed, that he was not at risk from armed groups in the IKR and that even if he had been threatened by such armed groups, there would be a sufficiency of protection for him in the IKR. It accepted that he could not go to live in Kirkuk because that remained a “contested area” but concluded that, in light of the above, he would be able to internally relocate to the IKR. As to identity documentation, it found he would have had to furnish his former employer with details from his passport and CSID, that if he did not now have such details he could get them from his former employer, and that the possession of such details would enable him to become re-documented either in the United Kingdom via the Iraqi Embassy or via processes which could be carried out in Iraq such that he could then have those documents sent to him. Possession of such documents would, found the tribunal, enable him to travel from Baghdad (the point of return) to the IKR (the place of relocation).

4. Permission to appeal was sought and obtained. The grounds run to some 6 pages but may be summarised as follows: Ground 1-the tribunal failed to make a clear finding as to whether the claimant had worked for Ashwaq Jaff or not. Ground 2-the tribunal erred through speculating as to whether Ashwaq Jaff would have kept a record of the claimant’s identity details or, at least, should not have found she would have done without putting the point to him. Ground 3-the tribunal failed to properly apply Country Guidance with respect to the ability of the claimant to become documented whilst in the UK. Ground 4-the tribunal failed to make a finding as to whether the claimant remains in contact with his family in Iraq. Ground 5-the tribunal failed to adequately address the evidence or impermissibly speculating concerning the ability to internally relocate within the IKR.

5. Permission having been granted the case was listed for a hearing before the Upper Tribunal (before me) so that it could be decided whether the tribunal had erred in law. The claimant did not attend that hearing and was not represented. It is clear that whilst he had not been represented before the tribunal he had subsequently been represented for a period after that, because his grounds of appeal to the Upper Tribunal have been drafted by Counsel. But it is also clear from the casefile that he no longer has that representation. It appeared that he had been notified as to the time, date and place of hearing. There was no explanation for his non-attendance. Mrs Pettersen on behalf of the Secretary of State urged me to proceed in the claimant’s absence. I decided to do so because it appears he has been notified, no reason for not attending was apparent, there was no reason to think if I did adjourn the situation regarding attendance would be different at a reconvened hearing, the hearing was concerned with error of law and that matter had already been dealt with in the grounds drafted by counsel and because I was satisfied I could justly proceed.

6. Turning then to the grounds, it is clear that the tribunal did conclude that, notwithstanding its disbelief as to threats from armed men, that the claimant had been employed as claimed. It did not say in terms that it was so finding but it relied upon the fact of the employment for other conclusions it had reached as to documentation and internal flight. It would not have done that if it was not accepting he had been employed as claimed. Looked at from one perspective it might be thought that the tribunal was speculating to a degree as to what details the former employer might have taken from the claimant and retained. But on the other hand, it seems to me it was open to the tribunal even absent corroborative background country material, to find that he would have been required to provide such as copies of his passport and CSID to a politician who is seemingly influential before entering into the employ of such a person. It is but a small step from that to the finding that copies and appropriate details would have been retained and could now be provided. The tribunal does not seem to have put the matter to the claimant for comment but in my judgment whilst it could have done that it was not obligated as a matter of law to do so. It was obligated to consider all the evidence before it and make appropriate findings as to key issues including documentation but that is what it did. The case of *AAH Iraq CG UKUT 00212 (IAC)* does on the face of it seem to suggest that the process of becoming re-documented in the United Kingdom will or may require the production of original documents but it does not preclude the possibility of such process being accomplished if reliable information emanating from a Member of Parliament in Iraq could be provided. The tribunal was not here departing from Country Guidance as such but merely relying upon unusual circumstances in a specific case and it was entitled to do that. Given the finding that the claimant could become documented in the United Kingdom the tribunal did not have to make findings about family members in Iraq which is, I assume, why it did not do so. Finally, as to relocation, it was open to it to conclude the former employer would be prepared to afford the claimant some assistance. It was also open to it to find he would be able to secure some employment given he had worked in the IKR before and would be re-documented prior to his return.

7. In light of the above I have concluded that the tribunal did not err in law. Accordingly, its decision shall stand.

8. Finally, the claimant was not granted anonymity by the tribunal. There is nothing before me to suggest that I should grant anonymity and I do not do so.

## **Decision**

The appeal to the Upper Tribunal is dismissed.

Anonymity is not directed.

Signed:

Date: 7 March 2019

Upper Tribunal Judge Hemingway