



Upper Tribunal  
(Immigration and Asylum Chamber)

Appeal Number: PA/08931/2018

**THE IMMIGRATION ACTS**

Heard at Bradford  
On 11 July 2019

Decision & Reasons Promulgated  
On 18 September 2019

Before

UPPER TRIBUNAL JUDGE LANE

Between

ARAM MAHMUD AHMAD

(ANONYMITY DIRECTION NOT MADE)

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

**Representation:**

For the Appellant: Mr Hussain, instructed by Halliday Reeves Law Firm  
For the Respondent: Mr Mills, Senior Home Office Presenting Officer

**DECISION AND REASONS**

1. The appellant was born on 11 November 1991 and is a male citizen of Iraq. He arrived in the United Kingdom on 5 September 2014 claimed international protection. By a decision dated 3 July 2018, the Secretary of State refused his application. The appellant appealed to the First-tier Tribunal which, in the decision promulgated on 15 April 2019, dismissed the appeal. The appellant now appeals, with permission, to the Upper Tribunal.
2. The judge decided that he need not follow the existing country guidance for Iraq (see *AA (Iraq)* [2017] EWCA Civ 944 and *AAH (Iraqi Kurds - internal relocation) Iraq* CG UKUT 00212 (IAC)). He found, on the particular facts, that the appellant would be able to obtain a replacement CSID either before he left the United Kingdom or with the assistance of others in Iraq. The possession of a CSID would enable the appellant to exercise internal flight and travel from Baghdad to the IKR. Both parties accept that the appellant is from Kirkuk and that he cannot be expected to reside there. The grounds of appeal challenge the judge's analysis. Mr Hussain, who appeared for the appellant before the Upper Tribunal, submitted that there was no reliable evidence to show that the appellant could safely reach the IKR and that the judge had indulged in speculation as to the appellant's ability to re-document himself. Mr Mills, who appeared for the Secretary of State, submitted that the existing country guidance did not set out an exhaustive list of means by which an individual might obtain a new or replacement CSID. Each case had been determined according to its own specific facts. The judge had reached findings of fact which, on the evidence, were available to him.
3. The judge found that the appellant had fought against ISIS as a Peshmerga; that he had worked for the police force in Iraq and would be able to obtain the assistance of former colleagues and/or his former employer in obtaining fresh documentation; he would also be able to obtain assistance from a Captain Daniel for whom he had acted as a bodyguard; that he would also be able to obtain assistance from a Lieutenant Hayder, with whom he had fought with the Peshmerga; that the appellant had not made any 'significant efforts' to locate his own family using the assistance of the Red Cross; that the appellant previously worked as a carpenter and is an able-bodied young man who would be able to use his skills, together with support from former Peshmerga colleagues, to re-establish himself in employment and accommodation in the IKR. In short, he found that the appellant's connections with institutions and individuals in Iraq were such that the judge was able to distinguish his case from that of an undocumented Kurd who, on arrival at Baghdad, could not call upon others for help.
4. I agree with Mr Mills that the country guidance cases do not seek to describe the only means by which an individual who has no identity documents may obtain a CSID. It follows that each case must be decided according to its own facts and I find that that is exactly what the judge has done in this case. It was, in my opinion, open to the judge to find that, on the particular facts before him, this appellant, notwithstanding that he had no CSID or passport, would be able to obtain such documents as would be necessary to enable him to travel without delay from Baghdad to the IKR. By doing so, he would not be exposed to a real risk of harm in Baghdad. I consider that this is an instance where the Upper Tribunal should hesitate before interfering with

reasoned findings made by a judge who has properly analysed the relevant evidence. In short, I find that the judge was entitled to reach the findings which he did in respect of internal flight and that he has not erred in law for the reasons advanced in the grounds of appeal or at all. In consequence, the appeal is dismissed.

**Notice of Decision**

This appeal is dismissed.

Signed

Date 2 September 2019

Upper Tribunal Judge Lane