



Upper Tribunal  
(Immigration and Asylum Chamber)

Appeal Number: PA/12101/2018

**THE IMMIGRATION ACTS**

Heard at Manchester  
On 16<sup>th</sup> May 2019

Decision & Reasons Promulgated  
On 13<sup>th</sup> August 2019

Before

DEPUTY UPPER TRIBUNAL JUDGE MANDALIA

Between

HMA  
(ANONYMITY DIRECTION MADE)

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

**Representation:**

For the Appellant: Mr. Bates, Home Office Presenting Officer

For the Respondent: Mr. Mohzam, Burton & Burton Solicitors

**DECISION AND REASONS**

1. An anonymity direction has previously been made by FtT Judge Birk and as the appeal concerns a claim for asylum and international protection, in my judgement, it is appropriate for the anonymity order to be continued under Rule 14 of the Tribunal Procedure (Upper Tribunal) Rules 2008. HMA is granted anonymity throughout these proceedings. No report of these proceedings shall directly or indirectly identify him. This direction applies both to the appellant and to the respondent. Failure to

comply with this direction could lead to proceedings being brought for contempt of court.

2. The appellant in the appeal before me is the Secretary of State for the Home Department and the respondent to this appeal is HMA. However, for ease of reference, in the course of this decision I adopt the parties' status as it was before the FtT. I refer to HMA as the appellant, and the Secretary of State as the respondent.
3. The appellant is an Iraqi national. He is said to have left Iraq on 12<sup>th</sup> August 2017. He claims to have entered the UK on 12<sup>th</sup> October 2017 and on that date, he claimed asylum. His claim was refused by the respondent on 4<sup>th</sup> October 2018, and his appeal against that decision was allowed on humanitarian protection grounds only, by FtT Judge Birk for the reasons set out in a decision promulgated on 15<sup>th</sup> January 2019.
4. A summary of the events that the appellant claims led to his departure from Iraq are summarised at paragraph [5] of the decision. The oral evidence given by the appellant is summarised at paragraphs [6] to [8] of the decision. The Judge's findings and conclusions are set out at paragraphs [16] to [28] of the decision. At paragraph [18], the Judge records that she did not find the appellant to be a credible witness and she found that his account was inconsistent, vague and did not make sense. For the reasons identified at paragraphs [19] to [22], the FtT Judge rejected the core of his claim. At paragraph [23], the Judge states:

"I find that he has fabricated the core element of his claim. I do not find that he has established a well-founded fear that this group have had or would have any adverse interest in him. His claims that they can trace him lack substance since I do not find that they are adversely interested in him. I find that he does not require the protection of the Refugee Convention and there is no risk of a breach of Articles 2 or 3 which were argued on the same basis."

5. Having rejected the claim for asylum and on human rights grounds, the Judge went on to consider the humanitarian protection claim. She noted that it is accepted by the respondent that the appellant cannot return to his home area, and that there is a need to internally relocate. At paragraph [26], the Judge concludes as follows:

"The appellant concedes that he does have ID documentation which he says has been left behind in Iraq and may be with his mother. He says that he also has a

birth certificate in Iraq. He says that his passport has been retained by the agent. He states that he has not been in contact with any member of his family since he left in August 2017. I am satisfied that he does have family in Iraq but that that he is not in contact with them. I am satisfied that he does not have family in Baghdad or the IKR who would be able to assist him to obtain a CSID. His family had the financial means to send him out of the country and so would have been able to arrange funds for him within the country but since he is no longer able to contact them I find that it would be unduly harsh for him to be returned to Baghdad and for him then to make his own way to IKR.”

### The appeal before me

6. The respondent claims that the FfT Judge fails to give adequate reasons for her conclusion that the appellant will be unable to obtain a CSID, reasonably soon after his arrival in Iraq. The respondent claims that having rejected the core of the appellant’s claim, and having found that the appellant has fabricated his asylum claim, the Judge irrationally and without any explanation, states that she is satisfied that the appellant is not in contact with his family.
7. Permission to appeal was granted by FfT Judge Hodgkinson on 6<sup>th</sup> February 2019 and the matter comes before me to determine whether there is a material error of law in the decision of FfT Judge Birk, and if so, to remake the decision.
8. On behalf of the respondent, Mr Bates refers to the evidence given by the appellant, and recorded at paragraph [6] of the decision. The appellant confirmed that he has a national ID card which is in Iraq and was kept in the family home, and was left there when he left. The appellant claims that he has no contact with his family, but as the Judge noted, at [7], he has his father’s telephone number. The appellant offers no explanation as to the steps taken by him to establish contact with his family beyond his claim that he has been unable to speak to his family since leaving Iraq because he has tried to call his father on many occasions, and the phone is switched off. Mr Bates submits that the decision is devoid of any reasons for the finding that the appellant is not in contact with his family, particularly in circumstances where the FfT Judge found that the appellant has fabricated the core of his claim, and rejected the appellant’s account of the events that led him to leave Iraq.

9. In reply, Mr Mohzam relied upon the skeleton argument filed with the Tribunal. He submits that having referred to the relevant country guidance, it was open to the FtT Judge to find that the appellant is not in contact with his family. He submits that notwithstanding the other adverse credibility findings made against the appellant, it was open to the FtT Judge to find that the appellant would be at risk upon return such that he qualifies for humanitarian protection.

### Error of Law

10. In considering the respondent's appeal, I have had regard to the decision of the Upper Tribunal in **Shizad (sufficiency of reasons: set aside) [2013] UKUT 00085 IAC** where it was stated in the head note that:

"Although there is a legal duty to give a brief explanation of the conclusions on the central issue on which the appeal is determined, those reasons need not be extensive if the decision as a whole makes sense, having regard to the material accepted by the judge."

11. I also note the observations made by Mr. Justice Hadon-Cave in **Budhathoki (reasons for decisions) [2014] UKUT 00341 (IAC)**;

"It is generally unnecessary and unhelpful for First-tier Tribunal judgments to rehearse every detail or issue raised in a case. This leads to judgments becoming overly long and confused and is not a proportionate approach to deciding cases. It is, however, necessary for judges to identify and resolve key conflicts in the evidence and explain in clear and brief terms their reasons, so that the parties can understand why they have won or lost."

12. The entire consideration of the question as to whether the appellant can internally relocate, is dealt with very briefly in paragraph [26] of the decision of the FtT. The FtT Judge had found that the appellant is not a credible witness and that his account of events is inconsistent, vague and does not make sense. She rejected the core of his claim, but for reasons that are neither explained nor apparent, at paragraph [26], the Judge states that she is satisfied that the appellant does have family in Iraq, but that he is not in contact with them. Having found the appellant not to be a credible witness, it is difficult to understand what it was about the appellant's evidence regarding the lack of contact with his family, that caused the FtT Judge to accept the appellant's evidence in that regard. I accept that although the appellant was found

not to be credible regarding the events that led to his departure from Iraq, it does not necessarily follow that he is not credible about the lack of contact with his family. However, the reader of the decision is entitled to know why the Judge considered that evidence to be credible in light of the other findings made. The reader of the decision cannot in my judgement, be reassured from the content of paragraph [26] that the FfT Judge has properly considered whether the appellant is in contact with his family, and the extent to which the appellant has taken any steps to properly establish contact with them.

13. At the conclusion of the hearing before me, I informed the parties that I am satisfied that the decision of the FfT Judge involved the making of an error on a point of law, such that I set aside the decision, and remake the decision.

#### Re-Making the decision

14. No Rule 15(2A) application has been made identifying the nature of any further evidence to be adduced and explaining why it was not submitted to the First-tier Tribunal. No further witness statements or hearing bundle has been prepared by the appellant's representatives. There was no application to adduce further evidence.
15. The appellant does not challenge, or seek to go behind any of the findings previously made by FfT Judge Birk as to the core of the appellant's account. The FfT Judge rejected the appellant's account of the events that he claimed had occurred on 4<sup>th</sup> August 2017. The FfT Judge did not accept that the incident in which the appellant claimed that he had been shot at, or the subsequent raid of the family home, had occurred. The issue for me to determine is the risk upon return now against that backdrop.
16. The parties agree that the appellant is from Dooz Khomato, a contested area. The Country Guidance now in place establishes that the intensity of the armed conflict in the so-called "contested areas", is such that, as a general matter, there are substantial grounds for believing that any civilian returned there, solely on account of his or her presence there, faces a real risk of being subjected to indiscriminate violence amounting to serious harm within the scope of Article 15(c) of the Qualification

Directive. The parties agree that although the appellant may not be able to return to Dooz Khomato, there remains the issue of internal relocation to the IKR.

### The evidence

17. In preparation for the hearing before the FfT previously, the appellant filed a bundle including a witness statement made by the appellant and dated 26<sup>th</sup> November 2018. In that statement the appellant claims that he could not internally relocate because of his Kurdish ethnicity, and he would be attacked regardless. He claims that he does not have any proof of identity, and could not relocate to the Kurdish area (KRG) because he is not from there, and would not be accepted and allowed to live there. He also claims that he could not relocate to the KRG area because of his father's previous involvement with the Baath party. He claims that he had his father's contact number and tried many times to contact him, but the phone was switched off. He claims that in Derby, there is a Kurdish restaurant frequented by people who lived in the same town, and he has asked them if they know any member of the appellant's family. They have been unable to provide the appellant within an update. In making my decision, I have carefully considered all of the documents submitted by the parties, even if they are not specifically mentioned in this decision.
18. When the appellant gave evidence before the FfT, as set out at paragraphs [6] to [8] of the decision of the FfT, the appellant confirmed that he has a national ID card that is in Iraq. He claimed that he has never had it in his possession, and it was kept in the family home, and it has been left there. The appellant maintained that he has no contact with his family and in cross-examination, he said that he was not aware whether his uncle was still in the same place, and he does not have his telephone number. He confirmed that he has his father's telephone number. He claimed that his passport was kept by the agent.

### Findings and Conclusions

19. In reaching my decision, I remind myself that the burden of proof rests upon the appellant to show that at the date of the hearing before me, he has a well-founded fear of persecution within the meaning of article 1A(2) of the Convention and

Protocol relating to the Status of Refugees. It is for the appellant to show that there are substantial grounds for believing that he meets the requirements of the Qualification Regulations and that he is entitled to protection in accordance with paragraph 339C of the Immigration Rules. That is to be determined objectively, in the light of the circumstances existing in Iraq. The appellant must discharge the burden of proof upon him, to the lower standard. This lower standard of proof can be expressed as a 'reasonable likelihood', 'a real risk' or a 'serious possibility'.

20. In reaching my decision, I have had regard to the relevant country guidance. AA (Article 15(c)) Iraq CG [2015] UKUT 00544 (IAC) as amended by the Court of Appeal in AA (Iraq) [2017] EWCA Civ 944, confirmed that there is a state of internal armed conflict in certain parts of Iraq, involving government security forces, militias of various kinds, and the Islamist group known as ISIL. The intensity of this armed conflict in the so-called "contested areas", is such that, as a general matter, there are substantial grounds for believing that any civilian returned there, solely on account of his or her presence there, faces a real risk of being subjected to indiscriminate violence amounting to serious harm within the scope of Article 15(c) of the Qualification Directive.
21. As I have set out previously, it is common ground between the parties that the issue for me to determine is the risk upon return now, noting that the appellant is from a contested area. Although the respondent accepts that the appellant may not be able to return to Dooz Khomato, I must consider whether the appellant can relocate elsewhere in Iraq. To that end, insofar as is relevant, the Court of Appeal in AA (Iraq), provided the following guidance:

**"B. Documentation and Feasibility of Return (Excluding IKR)**

5. Return of former residents of the Iraqi Kurdish Region (IKR) will be to the IKR and all other Iraqis will be to Baghdad. The Iraqi authorities will allow an Iraqi national (P) in the United Kingdom to enter Iraq only if P is in possession of a current or expired Iraqi passport relating to P, or a laissez passer.
6. No Iraqi national will be returnable to Baghdad if not in possession of one of these documents.
7. In the light of the Court of Appeal's judgment in *HF (Iraq) and Others v Secretary of State for the Home Department [2013] EWCA Civ 1276*, an international protection claim made by P cannot succeed by reference to any alleged risk of harm arising

from an absence of a current or expired Iraqi passport or a laissez passer, if the Tribunal finds that P's return is not currently feasible on account of a lack of any of those documents.

8. Where P is returned to Iraq on a laissez passer or expired passport, P will be at no risk of serious harm at the point of return by reason of not having a current passport.

### **C. The CSID**

9. Regardless of the feasibility of P's return, it will be necessary to decide whether P has a CSID, or will be able to obtain one, reasonably soon after arrival in Iraq. A CSID is generally required in order for an Iraqi to access financial assistance from the authorities; employment; education; housing; and medical treatment. If P shows there are no family or other members likely to be able to provide means of support, P is in general likely to face a real risk of destitution, amounting to serious harm, if, by the time any funds provided to P by the Secretary of State or her agents to assist P's return have been exhausted, it is reasonably likely that P will still have no CSID.

10. Where return is feasible but P does not have a CSID, P should as a general matter be able to obtain one from the Civil Status Affairs Office for P's home Governorate, using an Iraqi passport (whether current or expired), if P has one. If P does not have such a passport, P's ability to obtain a CSID may depend on whether P knows the page and volume number of the book holding P's information (and that of P's family). P's ability to persuade the officials that P is the person named on the relevant page is likely to depend on whether P has family members or other individuals who are prepared to vouch for P.

11. P's ability to obtain a CSID is likely to be severely hampered if P is unable to go to the Civil Status Affairs Office of P's Governorate because it is in an area where Article 15(c) serious harm is occurring. As a result of the violence, alternative CSA Offices for Mosul, Anbar and Saluhaddin have been established in Baghdad and Kerbala. The evidence does not demonstrate that the "Central Archive", which exists in Baghdad, is in practice able to provide CSIDs to those in need of them. There is, however, a National Status Court in Baghdad, to which P could apply for formal recognition of identity. The precise operation of this court is, however, unclear.

### **D. Internal Relocation Within Iraq (Other Than the IKR)**

14. As a general matter, it will not be unreasonable or unduly harsh for a person from a contested area to relocate to Baghdad City or (subject to paragraph 2 above) the Baghdad Belts.

15. In assessing whether it would be unreasonable/unduly harsh for P to relocate to Baghdad, the following factors are, however, likely to be relevant:

- (a) whether P has a CSID or will be able to obtain one (see Part C above);
- (b) whether P can speak Arabic (those who cannot are less likely to find employment);
- (c) whether P has family members or friends in Baghdad able to accommodate him;
- (d) whether P is a lone female (women face greater difficulties than men in finding employment);
- (e) whether P can find a sponsor to access a hotel room or rent accommodation;



- (f) whether P is from a minority community;
- (g) whether there is support available for P bearing in mind there is some evidence that returned failed asylum seekers are provided with the support generally given to IDPs.

16. There is not a real risk of an ordinary civilian travelling from Baghdad airport to the southern governorates, suffering serious harm en route to such governorates so as engage Article 15(c)."

22. In AAH (Iraqi Kurds - internal relocation) Iraq CG [UKUT 212 (IAC), the Upper Tribunal supplemented Section C of the guidance given by the Court of Appeal in AA (Iraq) with the following guidance:

- "1. Whilst it remains possible for an Iraqi national returnee (P) to obtain a new CSID whether P is able to do so, or do so within a reasonable time frame, will depend on the individual circumstances. Factors to be considered include:
- i) Whether P has any other form of documentation, or information about the location of his entry in the civil register. An INC, passport, birth/marriage certificates or an expired CSID would all be of substantial assistance. For someone in possession of one or more of these documents the process should be straightforward. A laissez-passer should not be counted for these purposes: these can be issued without any other form of ID being available, are not of any assistance in 'tracing back' to the family record and are confiscated upon arrival at Baghdad.
  - ii) The location of the relevant civil registry office. If it is in an area held, or formerly held, by ISIL, is it operational?
  - iii) Are there male family members who would be able and willing to attend the civil registry with P? Because the registration system is patrilineal it will be relevant to consider whether the relative is from the mother or father's side. A maternal uncle in possession of his CSID would be able to assist in locating the original place of registration of the individual's mother, and from there the trail would need to be followed to the place that her records were transferred upon marriage. It must also be borne in mind that a significant number of IDPs in Iraq are themselves undocumented; if that is the case it is unlikely that they could be of assistance. A woman without a male relative to assist with the process of redocumentation would face very significant obstacles in that officials may refuse to deal with her case at all."

23. Insofar as return to the IKR is concerned, section E of Country Guidance annexed to the Court of Appeal's decision in AA (Iraq) was replaced in AAH with the following guidance:

- “2. There are currently no international flights to the Iraqi Kurdish Region (IKR). All returns from the United Kingdom are to Baghdad.
3. For an Iraqi national returnee (P) of Kurdish origin in possession of a valid CSID or Iraqi passport, the journey from Baghdad to the IKR, whether by air or land, is affordable and practical and can be made without a real risk of P suffering persecution, serious harm, Article 3 ill treatment nor would any difficulties on the journey make relocation unduly harsh.
4. P is unable to board a domestic flight between Baghdad and the IKR without either a CSID or a valid passport.
5. P will face considerable difficulty in making the journey between Baghdad and the IKR by land without a CSID or valid passport. There are numerous checkpoints en route, including two checkpoints in the immediate vicinity of the airport. If P has neither a CSID nor a valid passport there is a real risk of P being detained at a checkpoint until such time as the security personnel are able to verify P’s identity. It is not reasonable to require P to travel between Baghdad and IKR by land absent the ability of P to verify his identity at a checkpoint. This normally requires the attendance of a male family member and production of P’s identity documents but may also be achieved by calling upon “connections” higher up in the chain of command.
6. Once at the IKR border (land or air) P would normally be granted entry to the territory. Subject to security screening, and registering presence with the local mukhtar, P would be permitted to enter and reside in the IKR with no further legal impediments or requirements. There is no sponsorship requirement for Kurds.
7. Whether P would be at particular risk of ill-treatment during the security screening process must be assessed on a case-by-case basis. Additional factors that may increase risk include: (i) coming from a family with a known association with ISIL, (ii) coming from an area associated with ISIL and (iii) being a single male of fighting age. P is likely to be able to evidence the fact of recent arrival from the UK, which would dispel any suggestion of having arrived directly from ISIL territory.
8. If P has family members living in the IKR cultural norms would require that family to accommodate P. In such circumstances P would, in general, have sufficient assistance from the family so as to lead a ‘relatively normal life’, which would not be unduly harsh. It is nevertheless important for decision-makers to determine the extent of any assistance likely to be provided by P’s family on a case by case basis.
9. For those without the assistance of family in the IKR the accommodation options are limited:
  - (i) Absent special circumstances it is not reasonably likely that P will be able to gain access to one of the refugee camps in the IKR; these camps are already extremely overcrowded and are closed to newcomers. 64% of IDPs are accommodated in private settings with the vast majority living with family members;

- (ii) If P cannot live with a family member, apartments in a modern block in a new neighbourhood are available for rent at a cost of between \$300 and \$400 per month;
  - (iii) P could resort to a 'critical shelter arrangement', living in an unfinished or abandoned structure, makeshift shelter, tent, mosque, church or squatting in a government building. It would be unduly harsh to require P to relocate to the IKR if P will live in a critical housing shelter without access to basic necessities such as food, clean water and clothing;
  - (iv) In considering whether P would be able to access basic necessities, account must be taken of the fact that failed asylum seekers are entitled to apply for a grant under the Voluntary Returns Scheme, which could give P access to £1500. Consideration should also be given to whether P can obtain financial support from other sources such as (a) employment, (b) remittances from relatives abroad, (c) the availability of ad hoc charity or by being able to access PDS rations.
10. Whether P is able to secure employment must be assessed on a case-by-case basis taking the following matters into account:
- (i) Gender. Lone women are very unlikely to be able to secure legitimate employment;
  - (ii) The unemployment rate for Iraqi IDPs living in the IKR is 70%;
  - (iii) P cannot work without a CSID;
  - (iv) Patronage and nepotism continue to be important factors in securing employment. A returnee with family connections to the region will have a significant advantage in that he would ordinarily be able to call upon those contacts to make introductions to prospective employers and to vouch for him;
  - (v) Skills, education and experience. Unskilled workers are at the greatest disadvantage, with the decline in the construction industry reducing the number of labouring jobs available;
  - (vi) If P is from an area with a marked association with ISIL, that may deter prospective employers."

24. As someone who is not a former resident of the Iraqi Kurdish Region ("IKR"), the return of the appellant will be to Baghdad. The Country Guidance confirms that the Iraqi authorities will only allow an Iraqi national entry if they are in possession of a current or expired passport or a laissez passer. In his screening interview the appellant stated [Q.3.2] that he had been fingerprinted in Iraq when his passport was obtained. He also stated [Q.1.8] that his passport is now with the agent. That is consistent with the appellant's evidence before the FfT that his passport was kept by the agent. During the substantive interview [Q.23 -29], the appellant confirmed that he used in his own passport to travel to the UK and that the passport was taken from

him in Turkey. There is nothing to suggest that the appellant is himself in possession of a current or expired Iraqi passport, but in any event, in accordance with the Country Guidance as confirmed by the Court of Appeal in AA Iraq, an international protection claim cannot succeed by reference to any alleged risk of harm arising from an absence of a current or expired Iraqi passport or a laissez passer simply because return is not currently feasible on account of a lack of any of those documents. The appellant has clearly been in possession of a genuine Iraqi passport previously. There is no evidence before me of any steps taken by the appellant to obtain a further Iraqi passport, and I find, on the evidence before me, that there is no reason why the appellant should not be able to replace his passport.

25. The appellant is an Iraqi national of Kurdish origin, and I must therefore consider whether the appellant has originals or copies of his Civil Status ID ("CSID"), or will be able to obtain one, reasonably soon after arrival in Iraq. The appellant accepted in his evidence before the FfT that he does have a national ID card which he left behind in Iraq, and which may be with his mother. He also has a birth certificate in Iraq. There is no evidence before me as to any steps taken by the appellant to obtain the documents from either the appellant's family or from official sources, such as the Iraqi Consulate.
26. I reject the claim by the appellant that he is not in contact with his family in Iraq. In his asylum interview the appellant claimed [Q.9 - 10] that he has not spoken to his family since he left Iraq. He claims that he has his father's phone number that he has tried to call many times, but it is switched off. The appellant has fabricated a claim for international protection, and in my judgement, his claim that he has had no contact with his family since leaving in Iraq, is incredible. On any view of the evidence, the appellant's father and uncle made a concerted effort to facilitate the appellant's departure from Iraq, no doubt at considerable cost. They would no doubt have been anxious to know where the appellant is, and that he is safe. It is in my judgement incredible that the appellant's father would not have answered any of the calls made by the appellant to him. There is no evidence of the appellant having taken any active steps to establish contact with his family by other means, including

via enquiries through the Red Cross. The appellant's evidence in this regard is simply vague, and does not make sense. I do not accept it, and I find that the appellant is likely to be in contact with his family.

27. Having carefully considered the evidence before me, even on the lower standard of proof, the appellant has failed to establish that he does not have the CSID or that he would not be able to obtain his original identity documents from his mother, father or extended family members, who remain in Iraq.
28. Should it be necessary for the appellant to obtain a new CSID because his previous one has expired, on the lower standard, I am satisfied that the appellant, at the very least, has an expired CSID, and the process should therefore be straightforward.
29. Having found that the appellant has a CSID or will be able to obtain one, reasonably soon after arrival in Iraq, I turn to the question of internal relocation. The Country Guidance establishes that as a general matter, it will not be unreasonable or unduly harsh for a person from a contested area to relocate to Baghdad City. I have already found that the appellant has a CSID or will be able to obtain one. The appellant claims, and I accept, that he does not speak Arabic. That would not be implausible for an Iraqi Kurd from a contested area and he was not challenged about his inability to speak Arabic. The Country Guidance establishes that those who cannot speak Arabic, are less likely to find employment. The appellant has never resided in Baghdad and there is no evidence linking him to any family contact in Baghdad.
30. The appellant is, as a Kurd, from a minority community, and is a Sunni Muslim. I accept the appellant is a Sunni Muslim, and that enhances the risk that he would be exposed to, in Baghdad. I am satisfied that it would be unreasonable or unduly harsh to expect the appellant to relocate in Baghdad.
31. I do however find that it would be reasonable and not unduly harsh, to expect the appellant to relocate in the IKR. The Tribunal confirmed in AAH that for an Iraqi national of Kurdish origin in possession of a valid CSID or Iraqi passport, the journey from Baghdad to the IKR, whether by air or land, is affordable and practical, and can be made without a real risk of the individual suffering persecution, or serious harm.

32. I have rejected the appellant's evidence that he is no longer in contact with his family in Iraq. The appellant's evidence about his contact with his father is vague and unconvincing. It is simply incredible that the appellant would be unable to make any contact with his family since leaving Iraq, because the only number that he has, that of his father, relates to a phone that is "switched off". It is incredible that even if his father's phone was "switched off", the appellant has done very little to find, and get in touch with his family.
33. I find that the appellant could obtain his CSID from his family. In any event, if the appellant is unable to leave the UK with his CSID, I am quite satisfied that the appellant's family members would bring his existing CSID or a replacement to the appellant, upon his arrival in Baghdad. I find that the appellant has a CSID or will be able to obtain one, reasonably soon after arrival in Iraq so that he could make the journey from Baghdad to the IKR, without a real risk of him suffering persecution, serious harm, or Article 3 ill treatment.
34. Once at the IKR border, the appellant, as is normal, would be granted entry to the territory, and subject to security screening, and registering his presence with the local mukhtar, the appellant would be permitted to enter and reside in the IKR with no further legal impediments or requirements. There is nothing in the evidence before me, or as to the profile of the appellant, that is capable of establishing that he would be at particular risk of ill-treatment during the security screening process. I remind myself that the appellant's account of the events that led to his departure from Iraq, were comprehensively rejected by FfT Judge Birk previously. In any event, he would be able to evidence the fact of recent arrival from the UK, which would dispel any suggestion of having arrived directly from ISIL territory. Cultural norms would require that the family accommodate the appellant. The FfT Judge found that the appellant's family had the financial means to send him out of the country and so would have been able to arrange funds for him within the country. I am satisfied that the appellant will have sufficient assistance from the family so as to lead a 'relatively normal life', which would not be unduly harsh.

35. It follows that in my judgment, the appeal cannot succeed on the basis of the Refugee Convention or on Humanitarian Protection grounds.
36. I therefore dismiss the appeal on asylum grounds, humanitarian protection grounds and also on human rights grounds. (Articles 2 and 3 of the European Convention on Human Rights).

**NOTICE OF DECISION**

37. The appellant's appeals on asylum grounds, humanitarian protection and Article 8 of the European Convention on Human Rights are dismissed.

Signed \_\_\_\_\_ Date 21<sup>st</sup> June 2019

Deputy Upper Tribunal Judge Mandalia

**FEE AWARD**

I have dismissed the appeal. In any event, as no fee is paid or payable, there can be no fee award.

Signed \_\_\_\_\_ Date 21<sup>st</sup> June 2019

Deputy Upper Tribunal Judge Mandalia