



Upper Tribunal
(Immigration and Asylum Chamber)

Appeal Number: PA/07514/2018

THE IMMIGRATION ACTS

Heard at North Shields
On 29 January 2020

Decision & Reasons Promulgated
On 9 March 2020

Before

UPPER TRIBUNAL JUDGE REEDS

Between

MS
(ANONYMITY DIRECTION MADE)

Appellant

And

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Ms Cleghorn, Counsel instructed on behalf of the Appellant

For the Respondent: Ms Petterson, Senior Presenting Officer

DECISION AND DIRECTIONS

1. I make a direction regarding anonymity under Rule 14 of the Tribunal Procedure (Upper Tribunal Rules) Rules 2008. Unless and until a court directs otherwise the Appellant is granted anonymity. No report of these proceedings shall directly or indirectly refer to him. This direction applies both to the Appellant and to the Respondent. Failure to comply with this direction could lead to contempt of court proceedings.

2. The Appellant with permission, appeals against the decision of the First-tier Tribunal (Judge Henderson) (hereinafter referred to as the "FtTJ") who, in a determination promulgated on the 24 April 2019, dismissed his protection claim.

The factual background:

3. The background to the Appellant's protection claim is set out in the determination of the FtTJ at paragraphs 10-14 and in the decision letter of the Secretary of State issued on 6 June 2018.
4. The Appellant is a national of Iraq. He left Iraq with his family on 20 August 2017 and entered Turkey. He was separated from his family and claimed to have entered the United Kingdom on 20 November 2017 and made an application for asylum and/or humanitarian protection.
5. His claim was that he was born in Tuz Khurmatu in the Salahuddin province and is of Kurdish ethnicity. His father was a low-level member of the Peshmerga and the KTP and was involved in the battle with the Al-Hashad Al-Shaabi also known as the "PMF". The appellant's home area became unsafe for Kurds and the appellant's father decided that the family should leave the area and go to Turkey.
6. The family left Iraq together but was separated when they were put in the back of lorries to leave Iraq. The appellant claimed to have had no contact with his parents or siblings and had not been able to contact them since he came to the United Kingdom.
7. The appellant managed to contact his maternal uncle through Facebook in January 2018 and his CSID was brought in person to the appellant via a friend of his uncles who was travelling to the United Kingdom. He received this document in March 2018. He had not been able to contact his uncle.
8. The appellant's case was that he believed he would be arrested or detained on return to Iraq and was not in touch with any family members thus would not have any support should he be returned.
9. It is also recorded that he relied upon the CSID and did not accept the respondent's analysis of that document was not genuinely issued. That document gave a date of birth in xxx 2001.
10. In a decision letter dated 6 June 2018 the Respondent refused his claim for asylum. It was accepted that he was a national of Iraq and of Kurdish ethnicity. The decision letter began by considering his age having claimed he was born in xxx 2001. However, it was considered that he had failed to produce any satisfactory evidence to substantiate his claim. The decision letter referred to the CSID which the appellant relied upon but that it had been examined and assessed by a specialist unit which concluded that the document had not been genuinely issued and was a "stolen blank". After full examination, it was found that the document could not be relied upon as evidence of nationality or identity and that the CSID could not have been

produced by the competent Iraqi issuing authority responsible for the issuance of genuine Iraqi ID cards. The appellant was therefore treated as an adult.

11. The decision letter considered that he did not have a genuine subjective fear on return to Iraq. As to his claim that he would be at risk from the PMF due to his father's involvement in the Peshmerga and the KDP, the respondent did not accept that he had given a credible or consistent claim. In particular at paragraph 33, he had not been consistent as to the description of his father having claimed that he was a high-ranking member of a party but in his asylum interview having stated that he was a low level member of the Peshmerga and KDP.
12. The appellant's claim that his father joined the KDP and the Peshmerga when he was seven years of age was considered. He had stated that he had no involvement and that he was not specifically targeted by the PMF or the authorities in Iraq. The appellant claimed that his father was the target however the respondent concluded that the appellant had failed to demonstrate that either he or his family had encountered any personal threat, adverse interest or any persecution from the PMF. It was also noted that the family did not approach the authorities in the IKR and there was no attempt made to relocate within Iraq.
13. As to his claim that his father was involved in a battle and injured his leg and that the area was no longer safe, consideration was given to the COI request Iraq-nonstate armed groups security - Kurds (12 April 2018) which made reference to the situation in Tuz Khurmatu. That evidence stated that there had been conflict in the area between the Peshmerga and the PMF but that the appellant had not demonstrated that his father was personally targeted which added further weight in the lack of motive and interest in the appellant and his family.
14. In summary, whilst it was accepted there had been conflict in Tuz between the Peshmerga and PMF, it was not accepted that this placed him at risk or that he was personally targeted or that there be any motive or interest in him.
15. The respondent considered the issue of sufficiency of protection in Iraq and whether internal relocation was a viable option.
16. Consideration was also given to Article 15 (c) in the light of the country guidance decisions in AA (Article 15 (c) Iraq CG [2015] KUT 544 as amended by the Court of Appeal in AA Iraq v SSHD[2017] EWCA Civ 944 and AAH (Iraqi Kurds-internal relocation) CG [2018] UKUT 0212. Specific consideration was given to documentation and feasibility of return (excluding the IKR) and internal relocation within Iraq including the IKR.
17. When considering the issue of return, the appellant had claimed not know where his family currently were but last saw them in Turkey. However, he also stated that he was in contact with his uncle who was currently living in Kirkuk. The respondent considered the reasons given as to why he could not live with his uncle and attempt to relocate to the IKR. The appellant claimed that his uncle was struggling to support himself and he could not return because he was still a child. As the age assessment

completed concluded he was an adult aged 24 and that he was unable to give an adequate extra nation as to why he would be unable to live in the IKR and therefore he could relocate within the IKR area and establish contact with his extended family in Iraq. It was further considered that he had failed to demonstrate that the authorities of Iraq would be unable or unwilling to offer him protection if he sought it. It was noted that he claimed his father was working for the Peshmerga and therefore it was reasonable for them to offer protection. However, it was not accepted that he would be at risk on return and that the PMF was seeking to harm him and therefore sufficiency of protection was not required.

18. The decision letter considered internal relocation at paragraph 57 onwards and having considered the issue of relocation to the IKR it had not been shown that it would be unreasonable to expect him to return to Kirkuk, Sulaymaniyah or Diyala or another location in Iraq. As to being able to obtain a CSID, it was considered that he could obtain his CSID as he claimed his solicitor was in possession of it alternatively you could access the civil status affairs offices in the IKR. As he had an uncle and aunt in Iraq and had recently been contact with his uncle, he had a genuine familial relationship with his uncle who could support him on return to Iraq. He had skills but he could utilise upon return.
19. His claim was therefore refused on all grounds.
20. The appellant lodged grounds of appeal against that decision. The appeal against that decision came before the FtTJ on the 10 April 2019 and in the decision promulgated on 24 April 2019 his appeal was dismissed.
21. The FtTJ set out her findings of fact at paragraphs 40-60. They can be summarised as follows:
 - (a) The appellant was from Tuz Khurmatu which was not within the IKR as erroneously suggested at paragraph 64 of the decision letter but was a town 50 km to the south of Kirkuk and is therefore from an area which was categorised as a "contested" area of Iraq in accordance with the country guidance) at [40]).
 - (b) As to the CSID he had produced, the FtTJ considered the document examination report and at [47] set out the difficulties with the report as well as the anomalies found in the document itself. The judge recorded at [48] that the appellant's statement referred to his solicitor having sought verification of the document but there was no information as to efforts made to verify the document.
 - (c) As to how the appellant obtained this document, he claimed that he had obtained it from his uncle based in Kirkuk having made contact by Facebook. The judge recorded that the information provided on the appellant's uncle was "sparse" and the Facebook page had not been provided and the appellant claimed he had not been able to contact his uncle as he had not been online for some time and referred to trying in June, August, September and October. The

appellant explained that his family had not left Iraq with all the documents as his mother had left documents with his uncle in Iraq.

- (d) At [51] the judge concluded that taking all the evidence into account, he concluded that the appellant had not been truthful about his real age.
- (e) The judge also concluded that it was not reasonably likely that his mother would leave essential identity documents with his uncle when the family were intending to travel from Kirkuk to Turkey. The judge noted that the CG case of AAH referred to frequent checkpoints and the need to show identity. At paragraphs 41 - 44 there was detailed reference to the concerns of the IKR authorities regarding those entering the IKR and to the importance of having a CSID wherever an individual is in Iraq. At paragraph 120 there was reference to the concern about infiltrators in the IKR and the decision also referred to the need for a CSID to access employment, housing and services. The judge rejected the appellant's claim that simply being able to speak Kurdish Sorani would be enough.
- (f) The judge rejected his account of not having to show document at any point during the journey of his account and his account of not knowing whether the family travelled through the IKR to get to Turkey. Given that much of the north-west of the country was insecure due to the presence of ISIS it would not be reasonably likely that the family would travel with their CSID documents which showed their place of origin and the ethnicity.
- (g) At [56] the judge recorded that the appellant had contact with one family member his uncle living in Kirkuk and that he did not presently have a CSID which was accepted as genuine. The judge did not find it reasonably likely that his uncle would have had no information about his family bearing in mind that his uncle's use of Facebook and secondly, that he remained in the same location as far as the appellant was aware and thirdly, when the appellant stated that the events which occurred in Turkey happened six months before he contacted his uncle. The judge concluded that the "appellant has not been straightforward about his knowledge of his family's current whereabouts or contact with members of his family."
- (h) As to return, the judge considered the country guidance case of AAH (illegal Kurds-internal relocation) Iraq CG 2018) UK duty 00212 and that all present returns were to Baghdad. The judge found that he was from a contested area of Iraq and could not return to Tuz Khurmatu.
- (i) As to Kirkuk, the FtTJ stated that she was aware from other cases that Kirkuk was no longer under the control of the Kurdish forces and it came under the control of the Iraqi army in October 2017. The appellant had not mentioned this as a reason for being unable to locate his uncle and did not refer to his uncle moving out of Kirkuk (see [58]).

- (j) The judge found that he would need to obtain his CSID or a new document as the document provided was not a reliable one. The judge also recorded that she was not provided with information about where the appellant's relevant civil registry office would be located and obtaining his CSID would be dependent on contact with family members in Iraq or the IKR. The judge recorded at [59] that she did not accept the appellant had been straightforward about his family members and his contact with them. The judge was unclear as to why contact with his uncle would not have been maintained by other means even if Facebook was not possible. If his uncle had left Kirkuk it would not prevent him from maintaining a Facebook account. The judge concluded that the appellant was likely to be aware of his family whereabouts and it would be possible for him to obtain copies of his father's documentation to assist with alternative documentation should it be necessary.
 - (k) In the alternative the judge concluded that it was reasonably likely that his family were aware of the whereabouts of his CSID and could assist in providing this for him. He would have the alternative of internal relocation to the IKR as he can speak Kurdish Sorani, he is of Kurdish ethnicity and is of the Sunni religion. He has no health problems and his education is limited and has no employment history.
 - (l) When considering the option of living in Baghdad, the FtTJ considered that that option in the long term presented serious risks for the appellant; he does not speak Arabic and has no family support or links to Baghdad, he is Kurdish and is also a Sunni Muslim. The FtTJ referred to the decision in BA (returns to Baghdad) Iraq CG [2017] which referred to the additional risks for those who are Sunni Muslims relocating to Baghdad and highlighted the risk of kidnapping for those who return to Iraq.
 - (m) The judge finally concluded that his return was dependent upon his ability to obtain a CS ID and internally relocate which the judge found to be feasible.
 - (n) The FtTJ's assessment under Article 8 is set out at [61] and that the appellant could not meet the Rules and that there were no very significant obstacles to his re-integration. The FtTJ therefore dismissed the appeal on all grounds.
22. Permission to appeal that decision was sought and granted and on the 30 May 2019 by FtTJ Swaney.
23. The appeal was therefore listed before the Upper Tribunal. Ms Cleghorn, who appeared before the FtTJ, appeared on behalf of the appellant and Ms Petterson, senior presenting officer, appeared on behalf of the respondent.
24. I am grateful for the submissions heard from Ms Cleghorn and Ms Petterson on the issues that arise in the grounds advanced on behalf of the appellant. I confirm that I have considered those submissions in accordance with the decision of the FtTJ and the grounds which had been filed before the Upper Tribunal.

25. There is no challenge made to the FtTJ's findings of fact as to the events in Iraq or her findings made concerning his age and the reliability of the CSID.

The submissions:

26. The first ground asserts that the judge applied an incorrect approach regarding being able to obtain a CSID card. It is submitted that as the judge accepted he cannot return to his home area (Tuz Khurmatu) his return can only be to Baghdad as he is not from the IKR. At paragraph 59 - 61 of the decision the judge noted that it would be possible for him to obtain documents should it be necessary, and that the family could assist in providing the documents for him. The judge then stated that he had the alternative relocation to the IKR yet noted that Baghdad would be too dangerous for the appellant (at [60]).
27. Ms Cleghorn submitted that there was a general paucity in reasoning and application of the case law. It was not clear how or where he is supposed to obtain the documents. As at the date of the hearing return was not possible it was not clear whether he should be returned without documents. The alternative is that he remains in the UK until the documents arrive and then it should follow that he be granted a short pit of leave to allow the documents to arrive in the UK to prevent destitution and to demonstrate feasibility.
28. It was also submitted that the judge erred in law by not following the CG decision in AA and that it was unclear on what evidence the judge relied upon to reach the conclusion that he would be admitted entry to Baghdad in the first place thus facilitating onward travel to the IKR. The judge was not able to show how the appellant would be returnable (relying on paragraph 170 in AA (Iraq)).
29. In conclusion it was submitted that the appellant could not be returned to Iraq because there was an article 15 (c) risk in his home area. It was arguable that the judge erred in her assessment of the outstanding issue of internal relocation and did not distinguish between a CSID, a passport or an INC and assumed the trip across the IKR was made with a CSID. Therefore if his return is feasible and in the light of paragraph 170 of AA (Iraq) the burden is on the secretary of state to demonstrate what documents they rely on to obtain a passport or laissez passér at which point the consideration of whether a person has a CSID comes into play.
30. In her oral submissions she summarised her grounds that firstly the FtTJ failed to properly consider internal relocation to the IKR in the light of the country guidance and his personal circumstances. Secondly as set out at paragraph 5 of the grounds it was incumbent on the judge to consider how he would travel to the IKR from Baghdad, and thirdly, the judge failed to properly apply country guidance decision of AAH in the light of the appellant's circumstances.
31. Ms Petterson on behalf of the respondent submitted that whilst it was submitted that the FtTJ misapplied the decision in AAH, as set out at paragraph 9 of the head note, even if the judge erred in her assessment of how the appellant would travel to the IKR and accepted that he was not able to stay in Baghdad, and the appellant had

limited education and no employment history at paragraph 9 (iv) whilst the options are limited he could apply for a voluntary grant to assist him in providing for his needs in the IKR.

32. As to the CSID, she submitted that the FtTJ did not accept his account of the lack of family contact at paragraph 52 and that there were other references to his uncle at paragraph 56. Her finding at paragraph 59 was that the appellant had not been straightforward about his family members and contact with them and that the appellant was likely to be aware of his family's whereabouts and it would be possible him to obtain copies of his father's documentation to assist with alternative documents should it be necessary. In the alternative the judge concluded that it was reasonably likely that the family were aware of the whereabouts of his CSID.
33. Therefore she submitted even if there was an error relating to the consideration of internal relocation the light of the findings made by the judge the appellant would be able to obtain some kind of documents and therefore it would not be unduly harsh and he could establish himself in the IKR and any error would not therefore be material.
34. At the conclusion of the submissions I reserved my decision which I now give.
35. When considering the grounds at paragraph 3 and feasibility of return, it is clear from the country guidance decision in AA (Iraq) v SSHD [2017] EWCA Civ 944, where the amended country guidance set out in an Annex, that:

"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 ."
36. The basis for that guidance, amended by the Court of Appeal on a consensual basis, is set out at [36]-[41] of the judgment. It is based upon that court's earlier decision in HF (Iraq) v SSHD [2013] EWCA Civ 1276 (see [38]-[39] of AA). The context means that a claim cannot succeed where an individual assert that they are at risk in Iraq because they lack the very documentation needed to return to Iraq, *the absence of which* would put them at risk (see [38] of AA). However, if the absence of a document, once in Iraq, creates a risk in the country, then it is a live issue as to whether or not an appellant will be able to obtain such a document. That, of course, is the basis of the country guidance in both AA and AAH, that possession of a CSID is an important document when considering an international protection claim based upon an individual's circumstances once in Iraq. That being the case paragraph 3 does not show any arguable error in the judge's approach.
37. As set out in the decision of the FtTJ, as the appellant's home area was in a contested area as at the date of the hearing the judge reached the conclusion at [58] he could not return to Tuz Khurmatu.

38. Ms Cleghorn on behalf of the appellant submitted that as the FtTJ having accepted that he could not returned his home area, his return could only be to Baghdad as he is not from the IKR. However, at [60] the FtTJ found that he could not relocate to Baghdad.
39. However, in my judgment the assessment made at paragraph 60 is premised on the basis that internal relocation for the appellant to live in Baghdad *in the long term* (my emphasis) presented a risk of harm for the appellant. In this appellant's case the FtTJ had found that internal relocation to the IKR would not be unduly harsh and that any stay in Baghdad would be solely for the purposes of travelling on to the IKR. I am not satisfied that there is any inconsistency in the FtTJ's approach. The decision in AA emphasises that careful consideration must be given to the ability of family members to support the appellant at [197]. It is not disputed that his family do not reside in Baghdad. However the FtTJ did not accept that the appellant was not in contact with his Uncle or other family members for the reasons that she set out at paragraphs 56 and 59. Therefore it was open to the FtTJ to reach the conclusion that the appellant would be able to access support from his Uncle who had been able to assist him in the past by providing him with copies of documents, notably the CSID. Whilst the FtTJ did not accept that this was a reliable document for the reasons that she gave, it was open to the judge to find that these documents had been sent to the appellant based on the appellant's own evidence.
40. Ms Cleghorn further submits that the FtTJ erred in her assessment of internal relocation to the IKR.
41. The first issue relates to the question of redocumentation. As explained by the Court of Appeal in AA (Iraq) v SSHD [2017] EWCA Civ 944 "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 fail and 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 agents to assist P's return have been exhausted, it is reasonably likely that P will still have no CSID."
42. In AAH, when considering the issue of redocumentation, the Tribunal found that factors to be considered included:
- i) Whether he 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: 39 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 the returnee? 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" (at 106 and headnote). It was considered that "these questions are significant not just to the assessment of whether the returnee might be able to live a 'relatively normal life' once he or she gets to the IKR; they are also relevant to whether he can get there at all" (at 107).

43. The FtTJ applied those factors at paragraph 59 and noted that obtaining his CSID would be dependent on contact with family members in Iraq. The judge set out why she did not accept that the appellant had been straightforward about his family members and his contact with them. The FtTJ referred to Facebook being the initial contact but that there were other methods of contact including mobile telephones. The judge also stated that even if his uncle had left Kirkuk it would not have prevented him from maintaining a Facebook account. The judge therefore concluded that the appellant was likely to be aware of his family's whereabouts and that it would be possible for the appellant to obtain copies of his father's documentation to assist in the provision of the CSID.
44. In the alternative at [59) the judge concluded that it was reasonably likely that the family were aware of the whereabouts of his genuine CSID and that they would be able to assist by providing this to him. On the FtTJ's findings of fact which are not challenged in the grounds, the appellant would therefore be able to obtain a CSID and in turn any other relevant documentation.
45. Ms Cleghorn submits that at paragraph 59 and 60 the FtTJ did not properly consider whether internal relocation to the IKR would be unduly harsh by reference to the decision in AAH.
46. The availability of an internal flight alternative to the IKR was considered in AAH (Iraqi Kurds - internal relocation) Iraq CG [2018] UKUT 212 (IAC). The guidance given was as follows:
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.

47. *Section E of Country Guidance annexed to the Court of Appeal's decision in AA (Iraq) v Secretary of State for the Home Department [2017] Imm AR 1440; [\[2017\] EWCA Civ 944](#) is replaced 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.*

48. As Ms Petterson submitted it would have been preferable for the FtTJ to set out the factors referred to in AAH. However, in the light of her findings of fact, the assessment that was undertaken by her at paragraphs 57 - 60 demonstrate that the FtTJ properly applied the guidance to the appellant's circumstances. The principal finding related to the appellant's remaining family in Iraq and that contrary to his account, the judge found that he was reasonably likely to be in contact with them and knew their whereabouts and also those of his uncle. As a result of that, the FtTJ was entitled to find that he would be able to access the appropriate documentation to ensure that he was provided with a CSID. The judge recorded at [59] that she was not provided with information about where the appellant's relevant civil registry office will be located. The burden was on the appellant to satisfy the factual assessment. However, the judge did go on to find that obtaining the CSID would depend upon his contact with the family members in Iraq which the judge went on to find had been established in his case.

49. In reaching the conclusion that he could internally relocate to the IKR and that it would not be unduly harsh, the FtTJ took into account that he could speak Kurdish Sorani and that he was of Kurdish ethnicity and of the Sunni religion. He had no health problems that the FtTJ had been aware of. Whilst the judge found that his education was limited and that he had no employment history, as Ms Petterson submits the appellant would have the availability of applying for a grant as set out in subsection (iv) and also in the light of the findings of fact made that he would be able to obtain income from other sources which include his family members in Iraq and notably his uncle. As he would have the advantage of a CSID, he would be able to

obtain employment and whilst there were problems in the number of IDP's in the IKR, it was open to the judge to find that as a young man with no health problems he would be able to obtain employment alongside any assistance provided from his family members.

50. In summary, the assessment made was one reasonably open to the FtTJ on the evidence, both oral and documentary, and I am not satisfied that the decision of the FtTJ demonstrates the making of an error on a point of law. The decision to dismiss the appeal shall stand. It is known that there is now a more recent CG decision. It would be open to the appellant, in the light of that decision to make a fresh claim should there be grounds to do so.

Notice of Decision

51. The decision of the FtTJ did not involve the making of an error on a point of law; the appeal is dismissed.

Direction Regarding Anonymity - Rule 14 of the Tribunal Procedure (Upper Tribunal) Rules 2008

Unless and until a Tribunal or court directs otherwise, the Appellant is granted anonymity. No report of these proceedings shall directly or indirectly identify him or any member of his family. This direction applies both to the Appellant and to the Respondent. Failure to comply with this direction could lead to contempt of court proceedings.

Signed

Date 3/3/2020

Upper Tribunal Judge Reeds