



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

Appeal Number:  
PA/08861/2019

**THE IMMIGRATION ACTS**

**Heard at: Bradford  
On: 28<sup>th</sup> January 2020**

**Decision & Reasons  
Promulgated  
On: 30<sup>th</sup> January 2020**

**Before**

**UPPER TRIBUNAL JUDGE BRUCE**

**Between**

**Secretary of State for the Home Department**

Appellant

**And**

**RAA  
(anonymity direction made)**

Respondent

**For the Appellant:  
Officer**

**Mr Diwnycz, Senior Home Office Presenting**

**For the Respondent:  
Justice Solicitors**

**Mr Holmes, Counsel instructed by Legal**

**DECISION AND REASONS**

1. The Respondent RAA is a national of Iraq born in 1997. On the 30<sup>th</sup> October 2019 the First-tier Tribunal (Judge Kelly) allowed his appeal

on protection grounds. The Secretary of State has now been granted permission to appeal against that decision.

2. The substance of the First-tier Tribunal decision was that RAA was a Kurd with no identity documents. Applying AAH (Iraqi Kurds – internal relocation) Iraq CG [2018] UKUT 00212 (IAC) he would therefore face considerable difficulties upon arrival in Baghdad. Without the necessary papers he would be unable to board a domestic flight from Baghdad to the IKR. He would therefore have to make the journey by land. Without identity papers he would be detained at each checkpoint along the way. The Tribunal appeared to accept that RAA was estranged from his family and that they would not therefore assist him in proving his identity at said checkpoints. On this narrow ground, the Tribunal found that RAA qualified for a grant of “humanitarian protection” and the appeal was allowed.
3. The Secretary of State’s grounds complain that the findings of the First-tier Tribunal are perverse. The Tribunal accepted the police would be able to assist RAA in obtaining a replacement CSID/INIC but it failed to explain why this assistance would be limited to Ranya. It is submitted that in the absence of any finding on that point the Tribunal’s conclusion – that the assistance would not be forthcoming at Baghdad airport – is irrational.
4. Whilst I accept that the decision of the First-tier Tribunal could have dealt with the point more explicitly, it seems to me that it is implicit in the evidence and findings that the Kurdish police force in Ranya would be unlikely to be able to offer RAA any assistance at Baghdad airport. The point here was that the IKR police force know who RAA is because he reported various threats etc to them during the course of an intra-familial dispute in 2018/early 2019. If he reported to a police station in Ranya, they could pull his file, this would contain the numbers of his CSID cards etc, and he could use this information to obtain replacement documents. I can see no reasonable prospect, and no evidential foundation for finding, that RAA would be able to organise that exchange of information from Baghdad airport, or get a new card whilst there. Nor does it seem remotely likely that a police officer from the IKR would venture 300 miles south in order to help this one man get through checkpoints on the road. I find the Secretary of State’s one ground of appeal to be misconceived and without merit.
5. Since permission to appeal was granted on the 4<sup>th</sup> December 2019 the Upper Tribunal has issued fresh country guidance on Iraq: SMO, KSP & IM (Article 15(c); identity documents) Iraq CG [2019] UKUT

00400 (IAC). I note for the sake of completeness that the Secretary of State did not seek to amend her grounds in light of that decision.

### **Anonymity Order**

6. Having had regard to Rule 14 of the Tribunal Procedure (Upper Tribunal) Rules 2008 and the Presidential Guidance Note No 1 of 2013: Anonymity Orders I therefore consider it appropriate to make an order in the following terms:

“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 to, amongst others, both the Appellant and the Respondent. Failure to comply with this direction could lead to contempt of court proceedings”

### **Decision**

7. The decision of the First-tier Tribunal is upheld and the appeal is dismissed.
8. There is an order for anonymity.

Upper Tribunal Judge Bruce  
28<sup>th</sup> January

2020