



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

Appeal Number: PA/03245/2019

**THE IMMIGRATION ACTS**

**Heard at Manchester (Hybrid  
Hearing)  
On 13 July 2021**

**Decision promulgated  
On 13 August 2021**

**Before**

**UPPER TRIBUNAL JUDGE HANSON**

**Between**

**BAF**

(Anonymity direction made)

Appellant

**and**

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

Respondent

**Representation:**

For the Appellant: Mrs Johnrose instructed by Broudie Jackson & Canter

For the Respondent: Mr McVeety a Senior Home Office Presenting Officer.

**DECISION AND REASONS**

1. By a decision made pursuant to Rule 34 of The Tribunal (Upper Tribunal) Procedure Rules, Upper Tribunal Judge Coker set aside a decision of the First-tier Tribunal for the following reasons:

Error of law

5. The appellant did not seek permission to appeal the findings of the FtT Judge rejecting his account of events in Iraq or that he had not lost contact with his mother, or the dismissal of his Article 8 claim.
  6. The grounds relied upon, and upon which permission was granted, centre of the alleged failure of the FtT judge to consider the appellant's explanation about the CSID as given to the respondent during the asylum interview, the reference by the judge to the appellant retaining possession of his ID card without considering that it would have been retained by the respondent on claiming asylum if that were the case, that such a proposition was not put to the appellant during the course of the hearing and the respondent relied upon the appellant being able to obtain a replacement CSID on return to Iraq, not that he retained his CSID.
  7. The respondent, in her submissions, although commenting that she does not have access to the full file, accepts the FtT judge erred in law insofar as the CSID is concerned.
  8. I am satisfied the judge failed, in paragraph 20 and 21 of her decision, to properly approach the question of whether the appellant had access to his CSID and the extent to which and how he could obtain a CSID, the necessity of having a CSID or other identity documents to enable him to travel to Kirkuk.
2. Judge Coker continued later in the decision. *"I set aside the decision insofar as the only issue to be determined is that relating to the availability of a CSID or other ID documentation"*.
  3. Directions were given for the appellant to file an up-to-date witness statement regarding the CSID or other identity documents, as so advised.
  4. Following notification by Mr McVeety of a need for him to isolate, of which he was only himself aware on the morning of the hearing, the hearing was converted to a hybrid hearing with the appellant, Mrs Johnrose, the interpreter, myself and the court clerk in the courtroom, with Mr McVeety attending remotely. Once technical issues had been resolved the hearing proceeded and I am satisfied the appellant received a fair hearing.

## **Discussion**

5. It is a preserved finding that the appellant's account of his difficulties in Iraq was rejected as not being credible for which adequate reasons were given by the First-tier Tribunal and which nothing I have heard today warrants a different finding being made.
6. The appellant claimed before the First-tier Tribunal that when he and his mother fled Iraq they packed their identity documents and that his mother kept the documents when they separated in Turkey. The First-tier Tribunal also did not accept that the appellant had been honest in this part of his claim at [20], which is a preserved finding.
7. It was not disputed before the Judge that the appellant is an Iraqi citizen of Kurdish ethnicity from Kirkuk.
8. It follows from the findings of the First-tier Tribunal that he also remains in contact with his mother with no evidence of his facing a real risk for the reasons claimed in his home area.
9. I did not find the appellant's evidence concerning his CSID credible. The appellant was self-employed in Iraq and the country guidance case of SMO highlights the importance of this document. The appellant's claim that he only took his CSID out from where it was kept in his home

occasional when needed is contrary to the country evidence where such a document had to be produced if a person was challenged as to their identity or for undertaking normal transactions. The appellant's claim is externally inconsistent.

- 10.** This was highlighted by Mr McVeety who referred to the fact the appellant had mentioned fighting in Kirkuk, where he lived, and there being checkpoints all over the place, which with the appellant would have needed his CSID to pass in addition to being able to purchase items from the shop and pay money into his bank.
- 11.** I reject the appellant's claim that he kept his CSID in a plastic bag with his mother, and find it is more likely that he retained his CSID on his person.
- 12.** I also find the appellant's claim to have passed all his documents to his mother when they left Iraq together and travelled to Turkey, yet to have left without any form of identity documents, to lack credibility.
- 13.** The appellant and his mother also had mobile telephones and it is not implausible that the appellant would have had contact details for family members or his mother on his telephone including his mother's telephone number.
- 14.** There is no evidence the appellant handed over his identity documents in the United Kingdom, or that his CSID is not available to him even if he has to make contact with family members in Iraq, or that family members will not be able to assist him with the re-documenting process (see below).
- 15.** It is not disputed that the appellant will not be able to get a replacement CSID in the United Kingdom from the Iraqi Embassy, if he has lost his original, but the CPIN, June 2020, at 2.6.15 states:

2.6.15 Since SMO was promulgated in December 2019 further information regarding the issuance of CSIDs in the UK has been obtained by the Home Office in April 2020 [see Annex I]. When asked to describe the process of obtaining a CSID from the Iraqi Embassy in London the Returns Logistics department stated:

'CSID cards are being phased out and replaced by INID (Iraq National Identification) cards. It is not currently possible to apply for an INID card outside of Iraq. As a result, the Iraqi embassy in London are advising their nationals in the UK to apply instead for a 'Registration Document (1957)' which they can use to apply for other documents such as passports or an INID card once they have returned to Iraq.

'The registration document (1957) must be applied for on the applicant's behalf by a nominated representative in Iraq. In order to start the application, the individual requiring documentation would normally provide at least one copy of a national identity document [see paragraph 2.6.24 for list of national identity documents] and complete a power of attorney (to nominate a representative in Iraq) at the Iraqi embassy along with the embassy issued application forms. If they have no copies of identity documents they also would need to complete a British power of attorney validated by the FCO and provide parents names, place and date of birth to their nominated representative in Iraq.

'Once issued the nominated representative will send the registration document (1957) to the applicant in the UK. The process takes 1-2 months. 'The HO cannot apply for documentation other than Laissez Passers on someone's

behalf but the embassy is willing to check to see if the individual already holds documents and provide copies if necessary.'

2.6.16 Based on the above information, it is highly unlikely that an individual would be able to obtain a CSID from the Iraqi Embassy while in the UK. Instead a person would need to apply for a registration document (1957) and would then apply for an INID upon return to their local CSA office in Iraq.

- 16.** The appellant failed to establish that he would not be able to obtain a registration document (1957), which is not the same as a laizzer passer which is a one-use document, but an official identity document issued by the authorities in Iraq.
- 17.** It was not made out that his mother or other family members would not be able to assist in obtaining a registration document 1957.
- 18.** The appellant's case is that he lost contact with his mother, but that was found to lack credibility. Although it was argued by Mrs Johnrose that the fact the appellant and his mother were separated has not been challenged the preserved finding is that the appellant is still in contact with his mother. That must be via the mobile telephone referred to by the First-tier Judge which it reasonable to find will contain contact numbers. I find the appellant has failed to provide sufficient evidence to establish that his mother or family members are not in Iraq or cannot be contacted by him or on his behalf.
- 19.** Mrs Johnrose submitted that it was necessary to view the merits of the appellant's appeal through the prism of the reasons for refusal letter, but that document is dated 29<sup>th</sup> March 2019 and is important to consider the merits of the claim on the basis of the information available at the date of the hearing, which includes the preserved findings of the First-tier Tribunal and the up-to-date oral and documentary evidence. There is no preserved finding the appellant could not contact his family. This is the position on the evidence he sought to rely upon today.
- 20.** The scope of this hearing may relate to a narrow point, but the burden is still upon the appellant to establish his claim, which I find had not done on the evidence.
- 21.** The adverse credibility findings made against the appellant by the First-tier Tribunal Judge illustrate that care needs to be taken in relation to matters the appellant asserts are true, which has been shown not to be the case.
- 22.** Mrs Johnrose submission regarding the difficulty in obtaining a registration document 1957 are not made out. The appellant claims to be undocumented but that issue has been discussed above and it was not made out, in any event, that he could not obtain assistance from family members to redocument himself if required.
- 23.** As the appellant is not from the IKR he will be returned to Baghdad. It was not made out he will not be able to travel from there to his home area to obtain a new or replacement IND, for which is biometrics are required. The submission by Mrs Johnrose that the appellant would not be able to leave Baghdad without a CSID or ID card may be correct if this was the situation, but that submission does not deal with is the fact the appellant can obtain a registration document 1957 and that the appellant has not produced sufficient evidence to show he would not be able to travel to his home area with family assistance using this document.

- 24. The appellant has failed to establish he cannot return to his home area; therefore, the issue of internal relocation does not arise.
- 25. Having assessed the evidence carefully I find the appellant has failed to establish he is entitled to a grant of international protection or for leave to remain in the United Kingdom and any other basis.

**Decision**

**26. I dismiss the appeal.**

Anonymity.

**27.** The First-tier Tribunal made an order pursuant to rule 45(4)(i) of the Asylum and Immigration Tribunal (Procedure) Rules 2005.

I make such order pursuant to rule 14 of the Tribunal Procedure (Upper Tribunal) Rules 2008.

Signed.....  
Upper Tribunal Judge Hanson

Dated 28 July 2021