



**Upper Tribunal
(Immigration and Asylum Chamber) Appeal Number: PA/09353/2019**

THE IMMIGRATION ACTS

**Heard at Bradford (via Teams)
On 21st July 2021**

**Decision & Reasons Promulgated
On the 3rd August 2021**

Before

UPPER TRIBUNAL JUDGE LANE

Between

**RAR
(ANONYMITY DIRECTION MADE)**

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Mr Mozam

For the Respondent: Mr Howells, Senior Presenting Officer

DECISION AND REASONS

1. The appellant is a citizen of Iraq who was born in 1993. He appealed to the First-tier Tribunal against a decision of the Secretary of State made on 16 September 2019 refusing his claim for international protection. The First-tier Tribunal, in a decision promulgated on 17 December 2019, dismissed his appeal. The appellant now appeals, with permission, to the Upper Tribunal.
2. The judge found the application to be an unreliable witness but accepted [51] that he could not return safely to his home area of Kirkuk. However, the judge found that it would not be unduly harsh for the appellant to relocate to another part of Iraq, in particular the IKR.

3. There are two grounds of appeal. First, the appellant argues that his account was consistent with background evidence and, in consequence, the judge should not have found the account incredible.
4. The first ground is without merit. The judge accepted that the appellant's account was not inconsistent with background evidence regarding the presence of Daesh (ISIS) in his home area and says so in terms [36]. What Ground 1 fails to acknowledge is that the judge rejected the appellant's credibility not because it conflicted with background evidence, but because it was internally inconsistent [26]. That conclusion is soundly supported by reasons whilst the judge's findings regarding the inconsistencies in the appellant's evidence are not directly challenged in the grounds at all.
5. The second ground focuses on internal flight. The appellant submits that, in finding the appellant is in contact with his family in Iraq and can seek financial and other support from them, the judge ignored evidence that several million Iraqis had been displaced by the advance of ISIS. In addition, the appellant argues that he is unlikely to find accommodation or employment in the IKR.
6. The judge found that the appellant was not a reliable witness. It followed from that finding that it was open to the judge not to accept the appellant's claim that he had lost touch with his family. The judge makes the specific finding [44 and 48] that the appellant was not telling the truth when he claimed that he had fled from Iraq to the United Kingdom without paying money to an agent. She found that it was likely that the appellant's family had paid for an agent and that they would pay again to support the appellant on his return to Iraq and that they would also be able to send his CSID identity document to him before he leaves the United Kingdom. I find that those findings are entirely sound. In his asylum interview, at Qs122 *et seq*, the appellant confirmed that he had a CSID and had left it in his village in Iraq. When asked if it could be sent to him, the appellant replied, 'I know nothing about anyone how can I do so (*sic*).' I take that reply to mean that the appellant claimed to have no family or friends in his village who could send the card to him; he does not claim that the card is lost or out of date or could not otherwise be sent if there was somebody able to send it. Given that the judge has reached the sound finding that the appellant is able to seek and obtain family assistance, it follows that the appellant's only reason for being unable to access the card falls away. Moreover, there is no reason to consider that the judge was unaware of the displacement of Iraqis by the advance of ISIS, a factor addressed in the country guidance cases cited by the judge (as Mr Howells pointed out, the country guidance case *SMO, KSP and IM (Article 15(c); identity documents) Iraq CG* [2019] UKUT 400 was promulgated 6 days after the First-tier Tribunal had been promulgated). The judge has made findings specific to the circumstances of the appellant as she was required to do. Given those specific findings, I consider that it was open to the judge to find that the appellant's family could send his CSID to him in the United Kingdom and that they would (as they had in the past) support his financially and in other ways on his return.

7. I also find that the argument that the appellant could not find accommodation or work in the IKR is, on the particular facts as found by the judge, not tenable. The judge has directly addressed the background evidence regarding unemployment in the IKR at [59]. She did not accept that the appellant had done nothing between the ages of 12 and 18. Her conclusion that, notwithstanding the problems which face all those seeking employment in the IKR may face, the appellant would find a job is not perverse in the context of the particular factual matrix. As regards accommodation, the appellant's family contacts are again relevant. At [60], the judge finds that the appellant 'could choose to live with [his family] in another part of Iraq'; the family had the means to fund the appellant's journey to the United Kingdom and would be both able and willing to accommodate the appellant with them if it were necessary to do so to prevent him becoming destitute.
8. For the reasons I have given, I find that the appellant has failed to show that the First-tier Tribunal erred in law. Accordingly, his appeal to the Upper Tribunal is dismissed.

Notice of Decision

This appeal is dismissed.

Signed
2021
Upper Tribunal Judge Lane

Date 21 July

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

Unless and until a Tribunal or court directs otherwise, the appellants are granted anonymity. No report of these proceedings shall directly or indirectly identify them or any member of their family. This direction applies both to the appellants and to the respondent. Failure to comply with this direction could lead to contempt of court proceedings.