



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

Appeal Number: PA/09827/2019

THE IMMIGRATION ACTS

**Heard at Bradford
On 21 January 2021**

**Decision & Reasons Promulgated
On 2 February 2022**

Before

UPPER TRIBUNAL JUDGE LANE

Between

**SARDAR LOQMAN MOHAMAD
(ANONYMITY DIRECTION NOT MADE)**

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Not present or represented

For the Respondent: Mr Diwnycz, Senior Presenting Officer

DECISION AND REASONS

1. The appellant is a citizen of Iraq who was born in 1994. He appealed to the First-tier Tribunal against a decision of the Secretary of State dated 2 August 2019 refusing his claim for international protection. The First-tier Tribunal, in a decision promulgated on 3 December 2019, dismissed his appeal. The appellant now appeals, with permission, to the Upper Tribunal.
2. The appellant did not attend the initial hearing at Bradford on 21 January 2022. His representative as shown on the Upper Tribunal file (British Red Cross) did not attend (there is nothing in the file that British Red Cross, Sheffield, offer legal representation before the IAC). The notice of hearing

was served on 12 February 2021 at the appellant's last known address in Rotherham. There is nothing on the Tribunal file to indicate that the notice of hearing was not delivered or has been returned by the Post Office. Mr Diwnycz, Senior Presenting Officer, who appeared for the respondent, told me that the appellant had last reported on 2 November 2021. He had absconded and failed to report as required in both December 2021 and January 2022. The Home Office record shows that he had been prevented by French police from entering France without a passport on 20 October 2021, having arrived there by Eurostar.

3. Having regard to all these circumstances, I decided to proceed with the hearing in the absence of the appellant. In particular, I did not consider that anything would be achieved by adjourning and attempting service of a further notice of hearing at the same address. I am aware that, before the First-tier Tribunal, the appellant had claimed to suffer from mental health problems [First-tier Tribunal decision, 23] but no medical evidence has ever been adduced to support that claim.
4. The judge found that the appellant had given false accounts of past events in Iraq, that he was not at risk for any Convention reason (including for having converted, as he had falsely claimed, to Christianity), that his home area is Mosul, a region to which he could not safely return as at the date of hearing (November 2019) on account of Article 15 (C) risk. The judge found that the appellant did not have a CSID card with him in the United Kingdom but did have the support of a paternal uncle who would be able to help the appellant obtain a replacement CSID card [58]. The judge acknowledged that the facts in the case were 'unusual'. The appellant's uncle is a British citizen but flies regularly to Erbil in the KRG and visits family in Iraq. In addition, the appellant claimed that his family are 'in quite a good financial situation' [67]. The judge concluded [73] that relocating to the KRG would not be unduly harsh for the appellant.
5. The hand-written 'reasons for appealing' in the form IAFT-4 refer to the 'grounds given previously'. As permission was given on initial application to the First-tier Tribunal, I assume that the appellant is referring to his grounds of appeal against the Secretary of State's decision; I can find no other grounds on the file. The grant of permission states that it is arguable that the application could not reasonably relocate to the KRG as he has not lived and has no family there. Reference is also made to the appellant's 'worrying mental health problems.'
6. In my opinion, the judge reached findings which were available to him on the evidence. The appellant's particular circumstances (in particular, the fact that his uncle is a frequent traveller to the KRG) were properly considered by the judge. I should also be noted that the First-tier Tribunal's decision pre-dated the promulgation of the country guidance decision *SMO, KSP and IM (Article 15(c); identity documents) Iraq CG* [2019] UKUT 400 (20 December 2109). At the date of hearing, it was open to the judge (and in accordance with country guidance then applying) to find that the appellant could access a replacement CSID card with the assistance of is

uncle and travel to the KRG safely via Baghdad. As I have said above, there was simply not enough (or, indeed, any) medical evidence to indicate that the appellant (who had, as the judge found, shown considerable resilience by travelling across Europe to reach the United Kingdom) could not relocate to the KRG. Accordingly, I find that his appeal should be dismissed.

Notice of Decision

This appeal is dismissed.

Signed

Date 21 January 2022

Upper Tribunal Judge Lane