



**Upper Tribunal
(Immigration and Asylum Chamber) Appeal Number: PA/10683/2019**

THE IMMIGRATION ACTS

**Heard at Bradford (via skype)
On 19 March 2021**

**Decision & Reasons Promulgated
On 01 April 2021**

Before

UPPER TRIBUNAL JUDGE HANSON

Between

GMK

(Anonymity direction made)

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Ms S Khan instructed by Legal Justice Solicitors.

For the Respondent: Mrs Pettersen Senior Home Office Presenting Officer.

DECISION AND REASONS

- 1.** The appellant is a citizen of Iraq born on 5 March 1996 whose application for international protection was rejected by the Secretary of State and whose appeal against that decision dismissed by a judge of the First-tier Tribunal in a decision promulgated on 24 December 2019.
- 2.** Permission to appeal was granted by another judge of the Upper Tribunal on a renewed application on the 2 March 2020 and the First-tier Tribunal judge found to have made an error of law in a decision of Upper

Tribunal Judge Coker promulgated on 3 July 2020. The operative part of that decision is in the following terms:

Error of law

8. The FtT judge does not reject the evidence of the appellant that he is no longer in possession of his CSID; nor does he provide any explanation on what basis for how long, temporary absence of contact with his family would assist or not assist in obtaining replacement documents.
9. The judge is required to take a decision at the date of the hearing. As of the date of the hearing the appellant's evidence was that he was not in contact with his family and he did not have his CSID. It is on the basis of that evidence, the judge should have reached a decision. Firstly, whether the appellant had a CSID and secondly whether he was in contact with his family. Having made those findings, the judge should have reached a decision whether the appellant was at risk of being persecuted.
10. The judge failed to make relevant findings. He erred in law, such that the decision is set aside to be remade.

Conclusions:

The making of the decision of the First-tier Tribunal did involve the making of an error on a point of law.

I set aside the decision insofar as it relates to his CSID and thus risk on return.

Discussion

3. An issue arose in this appeal in relation to the appellant's documentation. Judge Dunne in the First-tier Tribunal referred to the appellant's ID card. At [34] of that earlier decision it is written *"The appellant brought an Iraqi ID card with him to the UK. That ID card was on his account taken from him when he was detained. The appellant's solicitors wrote to the respondent seeking the return of that ID card on 27 November 2019. As of the date of the hearing (10 December) they had not received a response, but I am not persuaded to assume that the appellant's ID card has been permanently lost on that basis alone."*
4. In the appellants further submissions, made in response to directions given by the Upper Tribunal following the grant of permission to appeal, it is written:
 4. Judge McWilliam further states the Appellant was confused in that the grounds referred to CSID but Judge Dunne referred to ID documents. It is respectfully submitted that there is no confusion in the grounds when considered in the context of this case. The only ID documents the Appellant has ever referred to were his CSID. Judge Dunne reduced the reference to these documents as ID documents. The ground simply used the full title of CSID as set out in country guidance cases.

5. In his more recent witness statement dated 16 December 2020 the appellant refers to his having obtained a CSID and Nationality Certificate from a young age and, at the age of 18, an Iraqi passport. The appellant stated in his screening interview that he had lost his passport at sea during his journey to the UK and at [5 - 7] of his latest statement writes:
5. Approximately 2016 in Autumn, my CSID and Nationality Certificate were replaced with an INID. My father called while I was at work, he told me to join the rest of my family to apply for an INID. It was a big hall and my father told me to sit with Mother and sister. We were given a number, and when our number was called my parents went in, then after my sister and I went in. We were given some sanitiser to use on our hands and we placed our hand in a series of different ways on glass screen. I was then told look ahead at camera; I was told to look at it very carefully as it is going to read the eye print. They then asked me to sign, which was to be placed on my ID. After this I went back to work, the INID were issued, later and father collected them from the office.
 6. Following the Home Office decision to refuse my asylum claim, I attended the Iraqi Consulate in Manchester on the 5 November 2019. I was told they cannot issue any replacement ID documents without the original or photocopies. The consulate told me that they cannot provide me with a replacement INID as they cannot be issued outside of Iraq.
 7. Upon being detained on the second occasion in 2018, I was stripped of my belongings. They took my ARC, INID, my wallet and mobile & charger. Upon my release I was given an envelope with my belongings back. I was elated that I was being returned to Huddersfield that I signed without checking the envelope contents. It was only afterwards I noticed that my INID was not included.
6. Copy emails have also been provided, dated 3 July 2020, sent by the appellant's representative to Yarlswood Detention Centre, confirming the appellant was detained there and seeking a list of his possessions that were checked in when he was detained, and stating that his ID document was not returned. The reply from Yarlswood, dated 3 July 2020, records the appellant being at Yarlswood IRC between 30 August 2017 and 31 August 2017, during which time a screening interview was conducted by the Midland Intake Unit (MIU). An email from the MIU, also dated 3 July 2020, states that whilst the appellant was at Yarlswood certain listed documents were taken from him but there was no recorded ID document. Enquiries to date have not produce any evidence that the Secretary of State is in possession of an INID taken from the appellant.
7. Ms Khan in her submissions referred to the fact that the appellant did have items removed from him when he was detained, which is not disputed and accords with normal practice, and that it was plausible that he would have an INID which the country information refers to being rolled out by the authorities in Iraq from 2016 and which replaced the CSID. This too is not disputed. It is also noted that in the appellant's

witness statement of 25 November 2019, prepared for the hearing before the First-tier Tribunal, the appellant specifically stated at [14] *“In response to paragraph 60 of the Home Office refusal letter, I would like to explain that I do not have CSID any more as both CSID and National Certificate was replaced with a National ID. I have tried to apply for National ID and/or a passport in the Iraqi Consulate in Manchester. However, they are not able to issue me anything as I did not have any documents or photocopies”*. It appears therefore that what Judge Dunne referred to as ‘ID document’ is not a reference to a CSID as suggested in the submissions, but to the INID that the appellant stated in his evidence he had obtained. The reference in the grant of permission and Judge Coker’s error of law finding to a CSID must therefore be treated as being inaccurate.

- 8.** The appellant has been consistent in relation to his claim to have been issued with an INID in Iraq, and clearly made an effort to secure that document by contacting his family and having them send the same to him in the United Kingdom. The appellant has also been consistent throughout in relation to his claim that the document was in his possession when he was detained by the Immigration Service in the UK and not returned to him. Despite this being an issue known to the respondent for some time, and despite a previous listing of this appeal before me at Bradford on the 23 December 2020 having been adjourned to enable further enquiries to be made, insufficient evidence has been provided to warrant a finding that the appellant’s account in relation to this document is not credible.
- 9.** This is a case in which the loss of original documents could have a bearing on credibility findings as the loss of the INID prevents the appellant from producing the same, although if he did it would undermine his claim that he is undocumented. The appellant could do no more in relation to the documents as he does not have the original. The appellant is therefore entitled to the benefit of the doubt on this issue.
- 10.** It was also not explored in evidence whether as the appellant’s family had sent his original INID by international posts to him in the UK they would not have kept a copy, which appears a sensible and logical thing to have done. The emails referred to above have also been sent to the stated recipients with no evidence of whether a formal document such as an INID would have been passed to them or to another department within the Home Office, such as that which retains official identity documents pending removal. At the time of the appellants detention the respondent was intending to remove him from the UK for which a valid identity document would have been of assistance to the removal team.
- 11.** The nature of the document held by the appellant is of considerable importance as the Iraq CPIN June 2020, Annex I: Information obtained from the Home Office’s Returns Logistics Department – April 2020, it is written:

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 above list Q1, FAS) 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.

- 12.** Despite the evidence relating to the registration document 1957 and provision of copies of documents already held being available, the appellant has failed to provide anything of substance addressing these issues and the impact of the same upon his claim.
- 13.** In her submissions Ms Khan stated that the emphasis by the respondent on the ability of the appellant to trace family members is irrelevant so far as it relates to the ability of the appellant to obtain an INID as such a document cannot be obtained by a person unless they are in Iraq, according to the country material.
- 14.** It is accepted an Iraqi national will be unable to obtain a first INID if they are outside Iraq at this time due to the requirement to provide biometric data, as confirmed by the appellant, with there being no established procedure for such to be taken in overseas Iraqi embassies or consulates. What is not clear is whether, if a person has already provided their biometric information and been issued with an INID, as this appellant has, that will fall within the group of documents already held by an appellant, copies of which can be provided to a relevant recipient on application by the Home Office as part of the *laissez passer* application as indicated in the country material referred to above.
- 15.** The ability to trace family members may also be relevant in light of the requirements to obtain a registration document (1957), which is accepted in the country material is an official recognised document, and which an individual can use to apply for other documents, such as a passport or replacement INID card once they have returned to Iraq. Nothing in the evidence provided by the appellant supports a finding to the contrary.
- 16.** In relation to the criticism of Judge Dunne in the grounds of appeal on the basis the judge was somehow restricted to only considering the factual matrix at the date of the appeal hearing as if this created a time specific ring fenced body of evidence requiring the Judge to have

considered the hypothetical question of what would happen to the appellant if he was returned to Iraq on the date of the hearing without more, at which point he claims to have no contact with his family which it is suggested he did not need to show was a permanent state of affairs, the Court of Appeal in *J1 v Secretary of State for the Home Department* [2013] EWCA Civ 279 at [42] found “*Decisions concerning asylum, risk on return to deportees and similar issues involve an evaluation of likely future events on the basis of present evidence. Such decisions will not always turn out to be correct. They represent the best that the court can do on the basis of the material presented to it. Because of the drastic consequences if those judicial decisions turn out to be wrong, both tribunals and courts adopt a cautious approach to the evidence. This approach has sometimes been described as "anxious scrutiny".*” The required degree of anxious scrutiny has been adopted in assessing the merits of this appeal. There is nothing arguably unfair, irrational, or unlawful, even if an individual claims at the date of the hearing to have no contact with family members for a judge to assess whether that is a credible claim, something that is likely to be permanent or long term as a result of an inability to trace family members, or whether it is a claim relied upon to enhance an assertion an individual cannot redocument themselves. All those issues fall within the ‘undertaking evaluation of likely future events’. It is not legal error so to do.

- 17.** It is not disputed that to obtain a registration document 1957 the appellant will need the assistance of family members in Iraq. The appellant claims he has tried to contact his family but been unable to do so, stating specifically in his more recent witness statement:

8. I wish to explain that I have no contact with my family. I was informed that my appeal that was dismissed in January 2020. I was informed by my legal representatives that they will be seeking permission to appeal and that it could take some time to receive a decision. My legal representative applied to the First Tier Tribunal for permission, this was eventually refused and therefore they applied to the Upper Tribunal for permission, which was granted in March 2020. I intended to contact the Red Cross to see if they could locate my family, but in May 2020 I contracted coronavirus. My GP was not taking any appointments, I called the helpline who ran through the symptom list and determined I had the virus, I must isolate. I had no sense of smell or taste. After eventually recovering from the virus, I was informed that my legal representative was placed on furlough for six months, so I was unable to seek the correct advice with how to proceed with appeal and whether my appeal was going ahead due to the virus.

- 18.** Whilst it is understandable that the appellant will have be unable to venture out of his property if he was isolating this does not made out that other means of communication which the appellant had previously employed would not be available to him. The appellant specifically contacted his family in Iraq to send him his INID and in his screening interview he specifically confirmed he was still in contact with his family

and that he had last spoken to them at that time 25 days prior to the date of the interview.

- 19.** The appellant was asked whether his family had been harmed in any way which he stated initially they had by the family he fears continually telling them that he cannot hide forever and that they would find him. Despite this the lines of contact with family are clearly established, not only by the appellant's own evidence but also the sending of the identity card to him. Whilst Ms Khan submitted that due to the evidence confirming the existence of the tribe of which those the appellant has of credible fear of are members, and their use of force in certain circumstances, the appellants claim they have left their home and gone elsewhere is plausible, there is insufficient evidence to support a finding the appellant's parents have left their home in Sulaymaniyah and gone to live elsewhere. The suggestion made in submissions this might have occurred is pure speculation not supported by adequate evidence. It also is also not made out that if the appellant's parents have moved residential address, they would not have informed the appellant or other family members or that the contact details such as telephone numbers or email addresses will have changed.
- 20.** It is also not made out the appellant has exhausted all avenues properly open to him to contact his family members in Iraq. It is not a case of the family in Iraq just having the appellant's telephone numbers and email address but also with him having their contact details. It is also noted the evidence shows the appellant also has other relatives in Iraq, including three married sisters in Sulamaniyah and it was not made out that they could not be contacted. The submissions focused on the plausibility of threats to the appellants parents, with no specific mention of his married sibling being threatened, and no evidence of any threat to his uncle who lives in Hawler or of his family having to move or change contact details. The appellant's claim not to be able to contact family members in Iraq has not been shown to be credible. There is insufficient evidence to support a finding that such family members cannot be contacted or to show they would not be willing to assist the appellant, as they clearly have in the past, to redocument himself both in the UK and in Iraq.
- 21.** It is also of significance that the family in Iraq includes the appellant's father who is the male head of the household and a person who could be appointed as the appellant's nominated representative in Iraq and a paternal uncle.
- 22.** The comment in the CPIN set out above relating to the willingness of the Embassy to obtain copies of existing documents makes it plausible that the appellant can also obtain a copy of his passport if requested by the respondent, meaning he will be in possession of a copy of a required identity document. Family members will know their personal INID identification number and family book details, if the appellant cannot recall his own, to assist in his records being traced. They are stored on a central server in Baghdad according to the country information for all those issued with the new INID.

- 23.** It is not made out the appellant will not be able to obtain a registration document (1957). This is an official document issued by the authorities in Iraq as confirmation of an individual's status as an Iraqi national. It is also clear that the stated intention of the Iraqi authorities is that possession of such a document is a means to enable an individual to obtain further identity documents required which, in light of the up-to-date country information, must refer to the new Identity Document, in Iraq.
- 24.** It is not made out the appellant will not be issued with a *laissez passer* to enable him to be returned to Iraq. There is no reason made out for why the appellant should not agree to return voluntarily to Erbil, which will mean he can fly there directly from the UK. There are international flights to Erbil International Airport (EBL) and Sulamaniyah International Airport (ISU).
- 25.** In SMO, KSP & IM (Article 15(c); identity documents) (CG) [2019] UKUT 400 at [375] the Tribunal in its analysis of the evidence write:

The Laissez Passer has been a feature of the Iraq CG landscape for years. In AA (Iraq), the Tribunal considered the feasibility of return in some detail, which in turn necessitated consideration of the ways in which an individual might obtain a passport or a Laissez Passer. At that stage, Dr Fatah explained that an individual who wished to obtain a Laissez Passer was required to produce “either a CSID or INC or a photocopy of a previous Iraqi passport and a police report noting that it had been lost or stolen is required in order to obtain a Laissez-passer”. Further enquires made by Dr Fatah with the Iraqi Consulate in London suggest that this is no longer the case, and that an individual must simply be able to establish their nationality in order to obtain a Laissez Passer. In the absence of documentation, an Iraqi national can request family members in Iraq to present documents to the Ministry of Foreign Affairs to prove the individual’s nationality or, failing that, “legal procedures will then be started to prove the Iraqi nationality of the failed asylum seeker through a list of questions in relation to their life in Iraq”. These details are checked against Iraqi records, and once verified the individual will be issued with a document enabling the individual to return to Iraq. Dr Fatah goes on to state in his report that the website of the Iraqi Ministry of Foreign Affairs states that the resulting document is valid for six months and that it ‘permits a single entry into Iraq’.

- 26.** It is not made out the appellant will be unable to obtain a laissez-passer which he can use to fly to either Erbil or Baghdad. In SMO at [376] it is recorded that Dr Fatah had not heard of a person being returned to Iraq on a Laissez Passer being able to use that document for onward travel. He had personal experience of his sister using such a document to return to Iraq because she had lost her passport. He said that the document was taken from her at the airport in the IKR.
- 27.** In SMO at [369] Dr Farah is recorded as having stated: “You had to go to your local Civil Status Affairs Office to get the INID. There were flights from the UK to Sulaymaniyah on Wednesdays and to Erbil on Thursdays. A person who flew to one of these airports with only a Laissez Passer would not be allowed to leave the airport without a CSID but he might

be allowed to use the telephone in order to contact people who could vouch for him". In this appeal it is not made out the appellant is unable to contact family members who will be able to vouch for him or that he will not be able to leave the airport on arrival.

- 28.** It is also not made out that the appellant will not be able to travel to his place of relocation within Erbil, which it is suggested in SMO will be expected to be with a family members although I accept this will not be possible in this case for some, as the appellant's evidence is that his parents and sisters live in Sulamaniyah (screening interview reply to questions 33 and 34). The appellants paternal uncle lives in Hawler (screening interview reply to questions 35), which is the Kurdish name for Erbil meaning the appellant will have a senior male member of the family present in the place to which he can relocate. It is not made out the appellant's uncle would not be able to meet him at the airport to vouch for his identity.
- 29.** The Iraqi Embassy website in London contains details of how an Iraqi citizen can report a lost passport and obtain authorisation for a replacement whilst in the UK. The appellant has failed to establish that with the assistance of copy documents he will be unable to secure a replacement passport.
- 30.** Iraqis have freedom of movement, travel and residence inside and outside Iraq provided for under Article 44 of the Iraqi Constitution. The Constitution also provides that 'no Iraqi may be exiled, displaced, or deprived from returning to the homeland'.
- 31.** If the appellant travels with a *laissez passer* and registration document (1957) or a replacement passport or copy of his lost passport, it is not made out that as an Iraq Kurd from the IKR he will not be admitted to the territory, especially as there is no evidential reason why the appellant should not return directly to Erbil International Airport, as it is not made out he has any need to refuse to return voluntarily.
- 32.** In the alternative, if the appellant is removed to Baghdad it is not made out he speaks Arabic or has any form of contact or social network in Baghdad or knowledge of living there, or any ability to find employment and support himself there once any initial funds that are available to him run out, making it unreasonable to expect him to internally relocate to that city on a long-term basis. It is not made out, however, that it is unreasonable for the appellant to remain in the city whilst arrangements are made for him to travel to the IKR with family assistance and a replacement passport or replacement INID if the same can be obtained.
- 33.** Insufficient evidence has been provided by the appellant to show he cannot obtain a replacement INID where the biometrics and required data is secured on a central server in Baghdad and where there is clear evidence that an individual can obtain copies of their INID if lost. The Landinfo Report on issuance of the new Iraqi ID card, published by the Danish Immigration Service in November 2018 refers to the price for a new ID card being 5,000 Iraqi dinars (IQD). In case the ID card get lost, the price for a reissued ID card is 25,000 IQD; in case the ID card gets lost a second time, the price for a new card will be 50,000 IQD. This is not a case of a change in civil status as may occur on marriage or

divorce which will require an application for a new card to be issued which may require a new application and further biometrics. The method of data retention for an INID is different from that for a CSID as noted in SMO at [182] there it is written "UNHCR-Iraq told Dr Fatah that there is no database or any electronic system in place to issue CSIDs. Scanned copies of local paper records are archived in the General Directorate of Civil Status Affairs in Baghdad. Having discussed the situation with Landinfo Dr Fatah concluded that registration is undertaken in the local area and that the Civil Status Affairs Directorate or central population registry in Baghdad does not generally issue CSIDs". I find This is because the arrangements for the CSID are regional/local whereas those for the INID are national.

34. It is accepted it was found in SMO, that the evidence of the Iraqi authorities, as currently presented, falls very short of establishing that there is a realistic route for an otherwise undocumented individual in Baghdad, who is not from that city, to acquire a CSID or INID there but the appellant will be undocumented and only requires a copy of an exiting INID already issued to him.

35. Further correspondence noted by the Upper Tribunal in SMO includes:

361. There was yet further correspondence with the Iraqi authorities thereafter. This is described in a witness statement from a third official in the Returns Logistics Team named Declan O'Neill. There are two emails, the first of which is from Ms Drew to Counsellor Alrobaaie dated 13 June 2019, expressing concern that without an answer to certain questions the Home Office might 'lose the [country guidance] case, which could have serious consequences on being able to return to Iraq in future'. Eight detailed questions, composed by counsel, were put. The response from the counsellor was exactly as follows:

I hope this email finding you well, in general, any person can visit the Civil Status Office in his city and provide them with the page number and reference number of their records as family, usually it's the same number for him, brother sister, and father. So in this case he can get any copy from his family ID or only submit the family number for the ID, and then can ask them to get new National ID card or something called Civil Status electronic document which includes all his details with new national ID reference or something called Civil Status document for 1957 includes the page number and reference number of his records. This is just a step to the next step to issue a new National ID.

The individual does not need any prior permission to visit any Civil Status Office and he can go in person with his relatives or without to follow his case with the official Departments.

If an individual is able to find their Civil Status Records in the central archive, they use this to apply for a new national ID card in his local Civil Status office and while the case is in process, they will give him the Civil Status

document for 1957 or Civil Status electronic document as I explained above.

After the stability and the liberation now, the work resumed in all Civil Status Affairs Offices and Civil Status Records offices for Mosul, Anbar and Saluhaddin and the activities now in a normal way in their provinces and the individuals can apply directly in the [sic] their offices and they will be dealing with the request according to the law, any application will only take the normal time (maybe 1 to 5 working days) according to each request without any delay.

As we explained before, we can assure you that we didn't see any problem or issue for all individual returned on a Laissez Passer, and all of them returned to their homes without any problem and they didn't submit any request to the MFA or to the return logistic team in Baghdad for assistance to issue new documents and this is a very clear message that they have no difficulties in the process of issuing new Iraqi documents.

In all the previous cases, there was no problem or obstacles at Baghdad International Airport to the individuals who had returned to Iraq already, and all the process went smoothly and they returned to their families with out any issues.

36. In SMO at [385 - 386] it is also written:

385. There are a number of relevant considerations. Potentially the most important is the location in which a person is able to apply for a new or replacement CSID or INID. The clear expectation - and this strand runs consistently through the country guidance decisions - is that an individual should apply for a new or replacement document in the place where their family is registered, that being the location of the Family Book ledgers in which the family record is made and retained. That expectation remains clear in the more recent evidence before us. Dr Fatah refers in his first report to an individual going to 'the local office' in order to obtain a replacement. The DIS and Landinfo report which is quoted by EASO refers to an individual applying (for an INID) in their place of origin. One of the sources quoted by the DIS stated that if an individual 'lost their documents, they must travel to the area of origin to have them re-issued'. We note that the respondent's evidence serves generally to reinforce that expectation. Dr Ali refers in his letter to a person attending their 'local office' and Dr Alroobaaie states that an individual should attend the Civil Status Office in their "home city" in his letter and in his email of 17 June 2019. That expectation is underpinned by the way in which records are generally kept and accessed in Iraq. As explained in previous country guidance decisions, this process has for decades taken place at a very localised level, at one of the hundreds of CSA offices around the country.

386. There is no evidence before us which satisfactorily establishes

that a returnee who is not from Baghdad would be able to apply for a CSID or an INID in that city. Dr Fatah's oral evidence was that only those from Baghdad would be able to apply for replacement documents there. The Danish Immigration Service report of November 2018 records the Kafkaesque consequence of the requirement to apply for a replacement document in one's own area in the following paragraph:

In order for the IDPs to return, they must have ID-documents that are issued in the areas of origin. If they have lost their ID-documentation, they must travel back to the area of origin to have them re-issued. However, without documents it is very difficult to travel anywhere and pass the checkpoints, because people without documents more often face arbitrary arrests and detentions.

- 37.** Whilst the evidence considered in SMO indicated a reluctance on behalf of the authorities to assist returnees in light of the considerable number of internally displaced persons in the IKR who fled the conflict caused by the activities of ISIL in Kirkuk and elsewhere, the situation is now much calmer, with fewer internally displaced persons. The Civil Status Office, attended by the appellant and his family was likely to be in Sulaymaniyah but the country information refers to the ability of an individual to apply to transfer their records to a different office, which in this case will be to Erbil. There was nothing in the appellant's evidence to show he would not be able to make such a request, that it would not be actioned within a reasonable period of time, that he would not be able to obtain a replacement INID as a result, or that in light of family support, he will face a real risk of destitution or harm sufficient to entitle him to a grant of international protection.
- 38.** The history of displaced persons in Iraq over the years has enabled that country to have effective responses to dealing with displaced persons and insufficient evidence was provided in the appeal to establish that the appellant will be a person who would not be able to adequately redocument himself.
- 39.** It is not made out that appellant faces a real risk of ill treatment if he remains in Baghdad during the requisite period of time required to enable him to travel to his eventual place of relocation, Erbil, sufficient to warrant a grant of international protection. Relocation will be to Erbil as a result of the difficulties appellant will face on return relating only to his home area of Sulaymaniyah as a result of it being found he faces a credible risk of serious harm, including death as a result of being a victim of a blood feud within his home area.
- 40.** Although Ms Khan referred to information concerning the tribe in question and activities they have undertaken. It is not made out they would have sufficient influence within the whole of the IKR to make internal relocation to Erbil unreasonable for the appellant.
- 41.** It is not made out with the assistance of family members within the IKR that the appellant will not be able to re-establish himself. No insurmountable obstacles or difficulties to him re-establish himself in

Erbil are made out on the evidence, by reference to SMO and/or the country evidence. Although the appellant left Iraq in June 2017 there is insufficient evidence of negative changes within Erbil sufficient to mean that he will effectively be an outsider, stranger or a person unable to re-adapt to life there. The appellant speaks the language, is of Kurdish ethnicity, has family in that area whom it has not been shown he could not establish contact with. His three sisters are said to be married, indicating possible wider available assistance together with the paternal uncle and aunt specifically mentioned by the appellant in reply to question 35 of the screening interview. The appellant was a blacksmith worker, according to the reply given in his screening interview, indicating that he has skills in working metal. It is not made out that he will not be able to pursue the same or similar employment on return.

- 42.** I therefore find the appellant has failed to discharge the burden of proof upon him, even to the lower standard, to show it will be unreasonable or unduly harsh to expect him to internally relocate to Erbil in the IKR or to show he cannot be re-documented. The appellant has another part of Iraq away from his home area in which it has been found he faces no real risk, to which he can return without hardship in either the return process or on arrival, and which it is reasonable in all the circumstances to expect him to voluntarily avail himself of.
- 43.** The appellant has not established that, notwithstanding the general conditions in Erbil, it would not be reasonable for him to relocate there.

Decision

44. I dismiss the appeal.

Anonymity.

- 45.** 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 25 March 2021