



**Upper Tribunal  
(Immigration and Asylum Chamber)      Appeal Number: PA/00916/2020**

**THE IMMIGRATION ACTS**

**Heard at Manchester Civil Justice Centre      Decision & Reasons Promulgated  
On the 5 July 2022      On the 19 July 2022**

**Before**

**UPPER TRIBUNAL JUDGE LANE**

**Between**

**HAR  
(ANONYMITY DIRECTION MADE)**

Appellant

**and**

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

Respondent

**Representation:**

For the Appellant: Not present or represented (see below)

For the Respondent: Not present or represented (see below)

**DECISION AND REASONS**

1. The appellant is a male citizen of Iraq who was born in 1989. He appealed to the First-tier Tribunal against a decision of the Secretary of State dated 8 January 2020 refusing his claim for international protection. The First-tier Tribunal, by a decision promulgated on 16 September 2020, dismissed the appeal. The appellant appealed to the Upper Tribunal which, by a decision promulgated on 22 March 2021, allowed the appeal and directed a resumed hearing following which the decision would be remade. Following the making of a Transfer Order on 23 May 2022, the resumed hearing was listed before me at Manchester on 5 July 2022.

2. On the day before the resumed hearing, I received the following email from Ms Young, Senior Presenting Officer, on behalf of the Secretary of State:

The respondent seeks to inform parties that upon review of the evidence and in light of SMO II, it is appropriate to issue the appellant a grant of HP leave subject to the usual checks as SMO II at paragraph 67 suggests that the appellant's home area has transferred to the INID system. The respondent acknowledges the point made at headnote 12 of SMO II regarding the INID system and ability to obtain a CSID. The appellant requires a CSID or INID for onward travel to his home area and without either of those documents the circumstances give rise to a breach of article 3 as confirmed in SMO II at headnote 11. There is the preserved finding that the appellant has lost contact with his family since October 2017 and therefore a grant of HP is the most appropriate cause of action.

3. I directed that an email be sent to the parties as follows:

"Please see the email below from Ms Young, Senior Presenting Officer sent to you and the Upper Tribunal this afternoon. The Upper Tribunal is prepared, in the light of that email, to remake the decision allowing the appeal against the respondent's decision on humanitarian protection grounds and to do so without the need for the parties and their representatives to attend tomorrow. Please let us have your response as soon as possible. Many thanks."

4. The appellant's solicitor replied as follows:

Dear Sirs

Thank you for your email below. The Appellant agrees with the proposed course of action and he will not attend the hearing tomorrow

Regards

Caroline Clark

5. I remake the decision by allowing the appeal on humanitarian protection grounds.

### **Notice of Decision**

I have remade the decision.

The appeal is dismissed on asylum and human rights grounds

The appeal is allowed on humanitarian protection grounds

Signed

Date 5 July 2022

Upper Tribunal Judge Lane

**Pursuant to rule 14 of the Tribunal Procedure (Upper Tribunal) Rules 2008,**  
**the appellant is granted anonymity.**

**No-one shall publish or reveal any information, including the name or address of the appellant, likely to lead members of the public to identify the appellant. Failure to comply with this order could amount to a contempt of court.**