



Upper Tribunal
(Immigration and Asylum Chamber)

Appeal Number: LP/00100/2021
[PA/50491/2020]

THE IMMIGRATION ACTS

Heard at Bradford
On the 8 April 2022

Decision & Reasons Promulgated
On the 16 May 2022

Before

UPPER TRIBUNAL JUDGE LANE

Between

MAH
(ANONYMITY DIRECTION MADE)

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Ms Brakaj

For the Respondent: Ms Young, Senior Presenting Officer

DECISION AND REASONS

1. The appellant is a citizen of Iraq who was born 1998. He appealed to the First-tier Tribunal against a decision of the Secretary of State dated 6 July 2020 refusing his claim for international protection. The First-tier Tribunal, in a decision dated 8 March 2021, dismissed his appeal. The appellant now appeals, with permission, to the Upper Tribunal.
2. At the initial hearing at Bradford on 8 April 2022, Ms Young, Senior Presenting Officer, who appeared for the Secretary of State, told me that the respondent accepts that, in respect of Ground 1, the judge erred in law such that his decision falls to be set aside. The judge's reasoning as regards the necessary identity document (CSID or INID) which the appellant will require to travel safely within Iraq is inadequate. The situation is complicated by the fact that the appellant's existing CSID is in the hands of the German authorities but it is clear that, when he refers to the appellants' ability

to obtain a 'copy' or 'replacement' CSID [38] the judge has not fully engaged with the obstacles to such a process highlighted in *SMO, KSP and IM (Article 15(c); identity documents) Iraq CG* [2019] UKUT 400.

3. The judge's error does not vitiate his findings of fact. The findings at [23] (that the appellant's account of past events in Iraq is credible) are preserved. As I understand it, both parties agree that the appellant has, in the light of what has happened to him in the past in Iraq, a subjective fear of returning there. The parties agree that the only issue to be addressed on the remaking of the decision is whether that fear is objectively well-founded. The appellant will seek to introduce additional evidence and, given that the First-tier Tribunal is better suited to make extensive findings of fact, I set aside the judge's decision and return the appeal to the First-tier Tribunal for that Tribunal to remake the decision after a hearing. I make no formal direction in respect of the appellant's CSID but told Ms Brakaj, who appeared for the appellant at the Upper Tribunal initial hearing, that I would expect her firm to make enquiries with the appropriate German authorities and to be able to tell the next Tribunal whether the CSID will be sent to the United Kingdom and, if so, when.

Notice of Decision

The decision of the First-tier Tribunal is set aside. The findings in respect of the appellant's account of past events in Iraq at [23] are preserved. The only issue remaining is whether the appellant's subjective fear of returning to Iraq is objectively well-founded. The appellant is returned to the First-tier Tribunal for that Tribunal to remake the decision following a hearing.

Signed
Date 3 May 2022
Upper Tribunal Judge Lane

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