



**In the Upper Tribunal
(Immigration and Asylum Chamber)
Judicial Review**

JR-2022-LON-000431

In the matter of an application for Judicial Review

The King on the application of
Z B R

Applicant

versus

KENT COUNTY COUNCIL

Respondent

NOTIFICATION of the Judge's decision

BEFORE Upper Tribunal Judge Canavan:

HAVING considered all documents lodged and having heard Ms A. Benfield, for the applicant and Mr B. Bedford, for the respondent at a hearing on 25-26 October 2022.

IT IS DECLARED THAT:

- (1) The applicant is allocated a date of birth of **29 March 2004**.

IT IS ORDERED THAT:

- (2) The application for judicial review is allowed for the reasons given in the written judgment.
- (3) The order for interim relief made on 16 December 2021 is discharged.

Court of Appeal

- (4) The respondent's application for permission to appeal is refused.
- (5) There are no arguable errors of law in the decision that would justify granting permission to appeal.
- (6) It was not necessary for the Upper Tribunal to make a specific finding as to whether the CSID and INC were false documents. Having considered the evidence as a whole, the Upper Tribunal recognised that serious questions had been raised about the reliability of those documents. It is not arguable that the failure to make a specific finding relating to fraud would have made any material difference to the outcome. The Upper Tribunal noted that some evidence showed a relatively small possibility that false identity documents can be used to obtain genuinely issued passports in Iraq. It also considered evidence that indicated that it might be difficult to obtain a passport in this way in light of the evidence that said that passports are issued centrally and Dr Fatah's evidence suggesting that most Iraqis have no need to obtain false identity documents.

- (7) The Upper Tribunal made clear that the decision might have been different had the Embassy of Iraq not confirmed that a passport had been genuinely issued. Even if a specific finding had been made that the CSID and INC were not genuinely issued documents, it did not automatically follow that the passport could not be relied on as evidence of the applicant's likely date of birth. It was within a range of reasonable responses to the evidence for the Upper Tribunal to find that weight should be given to a passport that has been verified by the national issuing authorities.

Costs

- (8) The Upper Tribunal has considered the costs submissions made by both parties. The applicant has been wholly successful in the core aspect of the claim, which was to establish his claimed age on the balance of probabilities. The Upper Tribunal noted that the standard of proof allows room for doubt and took into account aspects of the applicant's behaviour that were damaging to his personal credibility. Those aspects of the evidence were assessed in relation to the substantive issue in dispute but are not relevant to the assessment of costs on the facts of this case. The Upper Tribunal finds that his behaviour during the course of this litigation was not such that it would justify penalising the applicant in costs.
- (9) The respondent shall pay the applicant's reasonable costs of the claim on the standard basis, to be assessed if not agreed.
- (10) The respondent shall make a payment on account of costs in the sum two thirds of the applicant's bill of costs within 14 days of receipt of the same.
- (11) There shall be a detailed assessment of the applicant's publicly funded costs.

Signed: **M.Canavan**
 Upper Tribunal Judge Canavan

Dated: 22 February 2023

The date on which this order was sent is given below

For completion by the Upper Tribunal Immigration and Asylum Chamber

Sent / Handed to the applicant, respondent and any interested party / the applicant's, respondent's and any interested party's solicitors on (date): *22 February 2023*

Solicitors:
Ref No.
Home Office Ref:



Case No: JR-2022-LON-000431

IN THE UPPER TRIBUNAL
(IMMIGRATION AND ASYLUM CHAMBER)

Field House,
Breams Buildings
London, EC4A 1WR

Judgment date: 22 February 2023

Before:

UPPER TRIBUNAL JUDGE CANAVAN

Between:

THE KING
on the application of
Z B R

Applicant

- and -

KENT COUNTY COUNCIL

Respondent

Ms A. Benfield
(instructed by Osbornes Law), for the applicant

Mr B. Bedford
(instructed by Invicta Law) for the respondent

Hearing date: 25-26 October 2022

J U D G M E N T

Judge Canavan:

1. The preparation of this judgment has been delayed by a period of illness. For that I apologise because I know that the applicant will have been anxious to know the outcome of the decision.
2. 'Z' seeks to challenge the age assessment decision of Kent County Council dated 18 November 2021, which found that he 'presented more consistently as an adult in the range of 22-25 years of age and concluded that he was 'most likely 24 years of age with a date of birth of 29.03.97.'

If this date of birth is correct, Z was 24 years old when he arrived in the UK on 29 May 2021 and was **25 years old** at the date of the hearing.

3. Z says that he was born on 29 March 2004. If this date of birth is correct, Z was 17 years old when he arrived in the UK and was **18 years old** at the date of the hearing.
4. Z disagrees with the age assessment and wants to challenge the decision. His solicitor helped him to make an application for judicial review. The initial reasons for challenging the decision argued that the process of age assessment was flawed. At a fact-finding hearing, the Upper Tribunal focusses on deciding what age Z is likely to be. The fairness of the assessment might still be relevant to what weight should be given to the age assessment decision: see *R (FZ) v LB Croydon* [2011] EWCA Civ 59.
5. In a judicial review of an age assessment the Upper Tribunal is asked to look at the evidence produced by the young person and the evidence produced by the local authority before coming to a decision about the young person's likely age: see *R (A) v LB Croydon* [2009] UKSC 8. The Upper Tribunal will assess all the evidence before deciding whether it is more likely than not that the young person is a child. It is an inquisitorial process where neither party has the burden of proof: see *R (CJ) v Cardiff City Council* [2012] PTSR 1235.
6. It is difficult to assess the exact age of a young person, especially if they are between the ages of 15-18 years old. There are no reliable medical or other scientific tests that will show a young person's age with any certainty. A range of factors might need to be considered including the account given by the young person, their family and educational history, their ethnicity and cultural background, and to some extent their physical development, maturity and behaviour: see *R (B) v LB Merton* [2003] EWHC 1689 (Admin).
7. It is not disputed that Z is an Iraqi national from the Independent Kurdish Region (IKR). Z has produced photographs of three Iraqi identity documents but has only been able to produce the originals of two of those documents. He has produced a Civil Status Identity Document (CSID), an Iraqi Nationality Certificate (INC), and an electronic screenshot from a phone of the identity page of an Iraqi passport as evidence of his date of birth. The authenticity and reliability of these documents is one of the central issues for determination in this case.
8. I am asked to consider Z's account, the evidence of those who know him, the opinions of social workers, and other documentary evidence before me. I heard oral evidence from the following people:
 - (i) Z;
 - (ii) Nick Spink, Allocated Social Worker (KCC) (from 22/12/21-unknown); and

- (iii) Carin Green, Allocated Social Worker (KCC) (from 03/06/21-18/11/21).
9. In addition to the oral evidence, the documentary evidence includes the age assessment decision dated 18 November 2021 and a witness statement of one of the social workers who conducted the age assessment. The respondent's social care records have also been disclosed. Other evidence includes limited printouts of Z's stated attempts to access social media accounts, a Home Office forgery report, several expert reports of Dr Rebwar Fatah relating to the identity documents, an expert fingerprint analysis, and an expert 'imagery' report (comparing photographs).
10. Permission to bring judicial review proceedings was granted by Mr Justice Cotter in an order sent on 14 February 2022. The claim was transferred to the Upper Tribunal. The Upper Tribunal made further directions for the filing of evidence and set a timetable for the preparation of the case.
11. I have considered all the documents filed and the oral evidence of the witnesses. I have also heard from counsel, Ms Benfield on behalf of the applicant and Mr Bedford on behalf of the respondent, at a hearing held at Field House on 25-26 October 2022. This is an inquisitorial process. Counsel had no objection to the judge asking each witness to adopt their statement and asking some initial questions from the bench. The parties were then given an opportunity to ask further questions of each witness in relevant order depending on whose witness was answering questions.
12. The oral evidence and submissions are a matter of record. I have considered the evidence as a whole and will refer to those aspects of the evidence that are material to the decision in my findings.

Decision and reasons

13. Z has produced two original identity documents and one photograph of the identity page of an Iraqi passport. The parties agree that if these documents are reliable, they would establish Z's likely date of birth. However, the authenticity of the documents was questioned by the Home Office when they were produced in support of his asylum application and the respondent's case is that the CSID and INC are false documents.
14. The burden of proving an allegation of forgery is upon the party which makes the assertion. Cogent evidence is needed to discharge the burden on the balance of probabilities given the serious nature of such an allegation. Some of the evidence is specifically focussed on the authenticity of the identity documents. In assessing whether the documents can be relied upon to establish Z's age, I have considered the evidence as a whole.

Home Office National Document Fraud Unit report (09/02/22)

15. The evidence before the Upper Tribunal includes an initial forgery report prepared by the National Document Fraud Unit at the Home Office on 09 February 2022. The assessing officer considered the original CSID and

INC cards. At this stage, Z had not disclosed the photograph of the identity page of the Iraqi passport.

16. The officer did not purport to be an expert in the customary features of Iraqi identity documents and did not appear to have a translation of the documents. His assessment seems to have been limited to an inspection of the physical appearance of the documents. The officer concluded that the CSID and INC cards could not be relied upon as evidence of nationality or identity for the following reasons:

'The damage to the identity card is consistent with substitution of the original holder's photograph. Specifically, the laminate has been split to enable access to the area on the paper document where the holder's photograph appears to have horizontal scratch marks on in the vicinity of the mouth, cheeks and ears. I cannot think of any logical reason for this other than damage to photograph when it was affixed to the document in question.

In light of my findings above, I am of the opinion that the document in question was not issued with the current photograph affixed to it by the competent Iraqi authorities and therefore should not be relied upon as evidence of identity or nationality.

In addition, I examined an Iraqi Nationality Certificate, believed to be in the same identity (I note that no translation was provided). Again, there are clear signs that the holder's photograph is not original to the document in question. Specifically, the portion of issuing officer's wet ink authentication stamp impression on the holder's photograph is completely misaligned with the portion of the stamp impression on the card itself. I am again of the opinion that the document in question was not issued with the current photograph affixed to it by the competent Iraqi authorities and therefore should not be relied upon as evidence of identity or nationality.'

Fingerprint analysis of Mr Peter Swann (28/03/22)

17. The next report is a fingerprint analysis of the INC conducted by Mr Peter Swann. Mr Swann is a consultant and a former Head of the West Yorkshire Police Fingerprint Department, a former Detective Superintendent, and Home Office Adviser. He says that he has considerable experience of fingerprint work and is on the UK Register of Expert Witnesses. His expertise was not disputed.
18. It is unclear whether Mr Swann was told that the authenticity of the document was questioned. The first paragraph of the report suggests that he was only asked to compare the thumbprints on the card with ones taken from Z. Mr Swann was provided with Z's fingerprint, taken specifically for this purpose. He compared the impression with the one on the INC. It is unclear whether Mr Swann was able to inspect the original document. He made clear that he had considered enlarged copies of the relevant part of the INC to reveal the ridge detail more clearly.
19. Mr Swann's initial observation was that thumb impressions on identity cards and passports are usually of poor quality. This was evidenced by the blurred nature of the left-hand mark on the INC, which only indicated ridge detail along the edge. The right-hand mark was only a partial print

but had better ridge detail. Mr Swann was able to confirm that the limited left-hand print and partial right-hand print on the INC had sufficient detail for him to be satisfied that they were Z's thumbprints. Mr Swan considered that the smudged appearance of the left-hand impression which was 'more or less completely blurred' was 'due to there being sweat on the digit when inked and the pressure applied when placing it on the page.' He did not comment on whether it could have been due to any other cause e.g. the possibility of placing the finger over an existing impression on the card.

Dr Rebwar Fatah's reports (17/05/22 & 26/07/22)

20. Dr Rebwar Fatah is an acknowledged expert on the situation in Iraq who has given evidence in a series of country guidance cases in the Upper Tribunal. In recent years country guidance decisions have included detailed consideration of the various Iraqi identity documents. Dr Fatah's opinion is usually given weight. His expertise is not disputed.
21. Dr Fatah's reports are detailed and well-balanced. He stays within the parameters of his expertise. He sets out his methodology and makes clear, when appropriate, if he does not feel able to comment on a particular matter. Of all the experts, Dr Fatah is best placed to give the most detailed opinion on the authenticity of these documents based on his knowledge of the customary features of Iraqi identity documents and his expert knowledge of the procedures by which they are issued. His reports also contain visual comparisons with example documents that are known to be genuine.
22. Dr Fatah confirmed that his Questioned Document Examination (QDE) technique involves a forensic examination of a series of aspects of documents as well as an analysis based on his knowledge of the culture, social make-up, and history of the country. He assigns specific categories after analysing an aspect of the document.
 - (i) The term '**observation**' is used for something that is noted but cannot be assessed and on which he cannot provide an opinion.
 - (ii) A reference to '**customary or uncustomary**' features is used to indicate features that comply with what is expected, and fit the normal practice, or not.
 - (iii) The term '**discrepancy**' is used for occurrences that are incorrect or not explicable based on his knowledge of the document or the country in question.
23. Dr Fatah explains that he will then conduct an expert, but not scientific, evaluation of the number of customary or uncustomary features based on his knowledge of the country. Having conducted that evaluation, he might come to one of four conclusions.
 - (i) The document '**holds the main characteristics**' of a reliable document, which contains most of the main characteristics of similar reliable documents.

- (ii) The document '**primarily holds the main characteristics**' of a reliable document. A positive analysis whilst acknowledging that the document might contain some uncustomary features.
 - (iii) The document '**lacks the main characteristics**' of a reliable document.
 - (iv) The results of the assessment are '**inconclusive**'.
24. Dr Fatah considered the original CSID in his report dated 17 May 2022. He noted several features that were customary with such documents issued in Iraq. However, he noted more discrepancies and non-customary features including (i) poor quality paper; (ii) non-customary lamination; (iii) the serial number does not appear to be letter pressed and the print was uneven; (iv) a renewed CSID, such as this, should include a reference number over the serial number, but this does not; (v) it is irregular that it does not record the blood type; (vi) a CSID is usually signed by a junior clerk/officer, not the head of the office; (viii) the hologram stamp was of poor quality and folded, implying that it is 'not native to the document'; (ix) the rubberstamp on the front is faded despite lamination and the stamp on the back is blurred, which is uncustomary; (x) the photograph is thick and unsuitable for the document; (xi) the photograph is misaligned and contains scratches suggesting unprofessional insertion.
25. Dr Fatah's conclusion was that, on balance, the CSID 'document **lacks the main characteristics** of reliable documents issued in Iraq. This is due to a number of discrepancies and uncustomary features. The most serious of which are the photograph, template, reference number, signature, and the kinegram stamp.' [my emphasis]
26. In the same report, Dr Fatah went on to consider the reliability of the INC. He noted several customary features. However, he also noted a series of uncustomary features and discrepancies (i) the photograph is poorly fixed to the document and is not cleanly aligned to the borders; (ii) the file number was stated as 533/2018, which is uncustomary, as the reference number is usually six digits; (iii) a discrepancy in the place of issue in Sulaymaniyah because the CSID was issued in Erbil and the same office would issue the INC; (iv) although the authorising officer named is someone Dr Fatah knew had worked in the Sulaymaniyah office, it was a discrepancy that the signature was not dated; (v) the rubber stamp was of poor quality, misaligned, the top section was not legible, and there was a discrepancy because it should have been stamped and issued in Erbil, where his parents were born and the family registration records would be kept.
27. Dr Fatah's conclusion was that, on balance, the INC '**lacks the main characteristics** of a reliable document issued by the Iraqi authorities. This is due to a number of discrepancies and uncustomary features. The most serious of which are the photograph, the place of issue, the authorising officer, and the rubber stamp.' [my emphasis]

28. When Z decided to disclose the photograph of the identity page of an Iraqi passport, Dr Fatah was asked to consider the document. His report dated 26 July 2022 outlines the same methodology and authentication procedure. Dr Fatah noted that he was only provided with a mobile phone screenshot of a single page of the passport. Dr Fatah compared the photograph of the passport with a genuine copy of an Iraqi passport issued in Sulaymaniyah.
29. While noting the inherent limitation of trying to authenticate information from a mobile phone image, and without the original document, Dr Fatah confirmed that the passport information page had most of the customary features of an Iraqi passport. In particular, he noted that the information was consistent with the fact that a passport issued to a child under 15 years of age would only be issued for four years. This was consistent with the information on this document. Dr Fatah concluded that the document **'primarily holds the main characteristics** of similar reliable documents.' [my emphasis]

Letter from the Embassy of Iraq (02/08/22)

30. The evidence also includes a letter from the Embassy of Iraq dated 02 August 2022. The document contains a letter head including the logo of the Republic of Iraq used elsewhere on examples of official documents provided by Dr Fatah. It contains a reference number and the contact details for the Embassy in London. The letter confirms in English that the Embassy had checked the passport details. The name, passport number, and date of birth given in the letter are consistent with the photograph of the passport page. The letter is signed and stamped, but under the signature, instead of the name of the official as might be common in official correspondence in this country, it states 'Home office (sic) and Kent County Council'. Despite this anomaly, which could equally be explained by cultural or linguistic differences in the format of formal correspondence, the authenticity of this letter does not appear to be disputed.
31. The applicant's solicitor sent a copy of the letter to the respondent with correspondence dated 11 August 2022. In that letter they explained that a paralegal from the firm attended the Embassy with Z with a view to obtaining a 'Power of Attorney' document for subsequent use in Iraq. The correspondence describes how the paralegal was told that the Embassy could not prepare such a document, but seemingly made a spontaneous offer to check the details of the passport on their system. The paralegal was told that they could not check the other two documents (by inference the CSID and INC). The correspondence goes on to record that a small fee was paid, resulting in the letter issued by the Embassy of Iraq. A copy of the receipt is said to be provided, but the document has not been translated.
32. Although there does not appear to be a statement from the paralegal concerned, I have no reason to doubt what is said in the correspondence between the legal professionals involved in this case. I am satisfied on the balance of probabilities that the Iraqi authorities, as represented by the Embassy of Iraq in London, have checked their records and confirmed

the details of the passport shown in the mobile phone photograph. This evidence is sufficient to show on the balance of probabilities that a genuine Iraqi passport was issued in Z's name recording a date of birth of 29 March 2004.

Dr Rebwar Fatah report (03/10/22)

33. Further to this evidence, Dr Fatah was asked to answer a series of additional questions by the parties. In particular, he was asked about the process of issuing Iraqi passports and the likelihood that a genuine Iraqi passport could be issued based on false identity documents. Dr Fatah was careful in his responses and declined to express an opinion that might stray into speculation.
34. Dr Fatah explained that a person would need to submit their CSID, INC, and a copy of their residency card. He considered it likely that officials who issue passports would be able to recognise inauthentic documents submitted in support of an application. He did not feel able to speculate about the integrity of the issuing process for passports. Many Iraqis obtain passports without difficulty when they plan to travel abroad. Dr Fatah did not want to speculate about how a genuine passport could be issued using an inauthentic CSID and INC. He said that it was a 'highly uncommon scenario' because Iraqis can easily obtain authentic identity documents.
35. Dr Fatah made clear that corruption is a problem in Iraq but did not want to speculate about what might occur during the process of issuing identity documents. Because Iraqis need identity documents to interact with the state, by and large, they obtain authentic documentation from CSA offices. He was asked a series of questions about the appearance of the passport and provided samples of documents that were known to be genuine. However, he was unable to provide any meaningful opinion in response to the questions because of the limited nature of the evidence provided i.e. a single screenshot.

Background evidence

36. The evidence also includes various background reports relating to Iraq including the Home Office CPIN report on Iraqi civil documentation dated 13 July 2022, various response to information request documents issued by the Research Directorate at the Immigration and Refugee Board of Canada (IRBC), as well as a reports from Landinfo on Iraqi identity documents dated 23 January 2014 and 16 December 2015.
37. The CPIN report does not add much to what is already known about the nature of the CSID and INC documents as outlined by Dr Fatah. It also cites the Landinfo report. The only observation worthy of note is that, like Dr Fatah's reports, the CPIN also provides photograph examples of Iraqi identity documents that are known to be genuine. I note that the copy of a genuine INC contained at paragraph 4.6.3 does not contain any fingerprints, unlike the document produced by Z. Nor does it appear to require a signature aside from that of the issuing officer i.e. a thumb print

- does not appear to be needed in the alternative to a signature if a person is illiterate.
38. The other reports contain a mix of information. The IRBC note dated 02 May 2008 is dated. The information cited from the Refugee Coordinator at the Canadian Embassy in Jordan described the features of CSID cards issued at the time. The information states that the kinegram versions were issued in 2005. Sometimes genuine kinegrams were found on false identity documents. The information provided by the Refugee Coordinator also noted that the Kurdish administration at the time used inferior quality inkjet printing and paper but emphasised that the serial number should still be letter pressed.
 39. The IRBC note dated 18 February 2016 is slightly more up to date. A contact at UNHCR in Jordan replied to correspondence asking about the prevalence of fraudulent Iraqi identity documents. The UNHCR representative said that 'fraudulent documents are quite easily obtained but have limited utility inside Iraq since they are quickly recognized as such. More often, fraudulent documents are used outside Iraq to suggest areas of origin (e.g., ... conflict areas)'.
 40. The information note went on to cite conflicting information about the availability of false documents. The IOM Director in Baghdad at the time said that false documents are not necessarily arranged by criminal gangs but it was easy to establish contact with someone in the administration who might facilitate a passport or other identity document to make some extra money. In contrast, the Landinfo report dated 23 January 2014, whilst acknowledging that corruption was widespread in Iraq, considered that there was not much room to bribe public officials at passport offices since all passports are produced at the main office in Baghdad. It would be difficult to bribe officials without personal contact between the person and those who issue the passports.
 41. Another IRBC information note dated 13 July 2017 indicates that passports are likely to have been issued with electronic chips since around 2013, which should make them 'highly resistant to forgery'.
 42. The Landinfo report dated 23 January 2014 mentions the possibility of obtaining false identity cards and INCs as 'breeder documents' to apply for a new passport. The director of the Baghdad passport office described a technical inspection of identity documents by the police at the passport office where the person is submitting their application, which should reveal whether the identity documents are false or not. The director of the Baghdad passport office estimated that about one percent of applications might include submission of false identity documents. The inspection would normally include a check of the serial number and register number to ensure that they correspond with the cardholder's place of origin.
 43. However, later in the Landinfo report it is said that 'breeder documents' are not subject to a thorough technical examination when applying for a new passport, which allows for some genuine passports to contain false

identity information. Information provided to the Norwegian Embassy in Amman from 'diplomatic sources' suggested that when seeking to verify an Iraqi passport the passport issuing body in Baghdad will only check the authenticity of the passport itself and not the registries for the identity documents. The passport might be genuine but may contain incorrect information.

44. The Landinfo report goes on to say that false identity cards can be obtained at a low price. People might do this to save time since it can take several months to get the card issued properly. Information obtained through the UK Embassy in Amman in July 2010 suggested that it might be difficult to discover if the document is false or not since there might be errors and variations in the background printing of genuine cards. However, the Landinfo report went on to say that 'such variations no longer occur since all ID card forms are printed at the same location.'
45. In contrast to the example provided in the CPIN dated 13 July 2022, the Landinfo report cites information from the UK Border Agency from 2009, which listed the information normally found in an INC. This included the fingerprint of the left thumb and signature. However, I bear in mind that the exact source of this information is unclear and that it is so dated that the format of INC cards might have changed. I note that the information in the further Landinfo report dated 16 December 2015 is substantially the same as the earlier report.

Other evidence

46. I have considered other evidence that is not directly related to the identity documents. However, it is relevant to whether there might have been an incentive to obtain false documents if Z is older than his stated age.
47. Z's credibility is relevant to the overall assessment. It will suffice to give an overview of the main issues without itemising each and every one. Z admitted to several lies in his witness statement and during the course of the hearing. Most of these related to contact with his family and whether he could have obtained evidence of his age.
48. Z arrived in the UK with copies of the CSID and INC but seemed to be reluctant to produce the original documents. He hid the fact that he had an Iraqi passport until a later stage when it became apparent that those documents were not accepted. He gave a plausible explanation for not wanting to admit that he had an Iraqi passport. He was worried that if he produced the photograph of the passport he might be sent back to Greece. His account of his passport being retained by the Greek authorities is consistent with what might have happened if he was stopped there. Although his solicitors have taken steps to contact the Greek authorities, it seems that they had no response.
49. Z also lied about how long he had been in contact with his brother in the UK and the nature of his contact with other relatives in Iraq. Some of the information given to social workers when they contacted his brother contradicted Z's evidence. For example, the age assessment records that

his brother confirmed that he was in contact with their parents and his sister in Iraq. His brother was willing to contact their sister to obtain the original identity documents. Z had to admit that he had been in contact with his brother for longer than he initially claimed because his evidence contradicted what his brother told the social workers. However, his brother gave a plausible explanation as to why Z might want to obscure then fact that he was in contact with his brother. His brother thought that Z might have been worried about admitting that he (Z's brother) was in prison at the time.

50. The evidence contained in the age assessment report shows that Z refused to engage with the process. He considered that the identity documents were enough. The fact that Z showed sufficient agency to refuse to engage with a formal process of the authorities in a foreign country indicates a level of confidence and maturity.
51. This is broadly consistent with the observations of Mr Spink and Ms Green who both considered him to show maturity and independence well beyond his stated age. I bear in mind that their roles as his allocated social worker did not entail conducting an age assessment. They had somewhat limited contact with him and only in a formal context. Nevertheless, their observations about Z's apparent maturity and independence is echoed elsewhere in the social work records.
52. Z also presented as a confident young man during the hearing. He was not afraid to challenge Mr Bedford directly when he was asked difficult questions about the authenticity of the identity documents (as opposed to turning to me or his barrister for assurance if he did not want to answer the question). Z became sufficiently frustrated to the extent that the hearing had to be stopped to take a break.
53. As with many aspects of the evidence in age assessment cases, this can be read both ways. His behaviour could read as defensive when questioned about his integrity and the reliability of the identity documents if he knew them not to be genuine. Equally, it could be consistent with challenging teenage behaviour when questioned about documents that he asserts are genuine.
54. In assessing what weight to place on his apparent level of maturity I bear in mind that Z says that due to difficult family circumstances he worked from a young age. He has also travelled across Europe to the UK on his own and may have developed a further level of independence during that journey that goes beyond what one might expect of many young people of his claimed age in this country.

Conclusion

55. The overall picture presented by the evidence is that Z has not been honest about several matters, has failed to engage with the age assessment process, and at times has sought to obstruct it.
56. The evidence also suggests that there is good reason to doubt the reliability of the CSID and INC documents that he produced as evidence

- of his age. Dr Fatah's assessment that they 'lack the main characteristics of reliable documents issued in Iraq' is the closest his methodology gets to stating that they are unreliable or possibly false documents.
57. The background evidence is mixed. It shows that it is possible to obtain false 'breeder documents' to apply for a genuinely issued Iraqi passport. Once the passport is issued an enquiry, such as the one made with the Embassy, is not likely to elicit more detailed consideration of the authenticity of the underlying identity documents. The Embassy simply confirmed that a passport with Z's name and stated date of birth had been issued.
 58. Dr Fatah's reports and the background evidence suggest that most officials in Iraq are likely to be able to identify false documents fairly easily due to the important role that identity documents play in everyday life. Some of the evidence contained in the Landinfo and IRBC reports is dated and from rather vague sources in embassies outside Iraq. Although corruption is a serious problem in Iraq, the evidence shows that it might not be all that easy to obtain a passport with the use of false 'breeder documents' albeit that it could be done. Dr Fatah explains that most Iraqis do not need to obtain false identity documents because they are issued with ease and are part of everyday life in Iraq.
 59. However, the background evidence in the IRBC note from 2016 suggests that false documents might be used when a person travels outside Iraq to present false information. The example given was false information about whether a person comes from a conflict area but could equally apply to a person seeking to present himself as younger in order to obtain extra support on arrival in the UK.
 60. The expert reports indicate that there are a number of concerns about the physical state of the documents and a number of uncustomary features. If they are false documents seeking to present an incorrect age there is good reason why Z might have been reluctant to produce the original documents to avoid closer inspection.
 61. However, I have also considered the alternative possibility that his brother mentioned to the social workers, that the family were scared to send the original documents in case Z is removed. The recent country guidance in *SMO and KSP (Civil status Documentation, article 15)(CG)* [2022] UKUT 00110 (IAC) makes clear that identity documents are needed to facilitate a person's return to Iraq if they do not have a basis to stay. Some of the credibility issues surrounding Z's reluctance to disclose the original documents or to be honest about the level of contact he is likely to have with his family in Iraq might relate to this issue rather than seeking to avoid authentication.
 62. This is a finely balanced decision. On the one hand serious questions are raised about the reliability of the CSID and INC documents and Z's personal credibility. The evidence indicates that it might be possible to obtain a genuinely issued Iraqi passport with false 'breeder documents' that could still contain an incorrect date of birth. Other evidence relating

to Z's level of maturity and independence might also point towards him being older than the date of birth stated in the identity documents.

63. On the other hand, there might be alternative reasons for Z's reluctance to disclose the original identity documents or the photograph of the passport that have nothing to do with trying to conceal his real age. There might also be alternative explanations for his apparent level of maturity and independence if his account of his upbringing is to be believed.
64. Having considered the arguments put forward by both parties carefully, and having weighed the evidence as a whole, I find that the decision just tips in the applicant's favour. Although there is a strong suspicion that the CSID and INC might not be genuine documents, there is evidence to show a genuine Iraqi passport has been issued to Z. If the only evidence had been the screenshot from a mobile phone, it might not have been sufficient, but the details on the single passport page have been verified by the Embassy of Iraq. I note that the background evidence indicates that such verification is unlikely to involve a deeper check of the underlying documents needed to apply for a passport. However, verification of an identity document by the national issuing authority should be given weight.
65. It is not necessary for me to be certain that the date of birth on the passport is correct. The standard of proof allows room for doubt. For the purpose of these proceedings, I find that the fact that Z has been issued with a genuine Iraqi passport is enough to show on the balance of probabilities that the date of birth on the passport should be treated as reliable.
66. I conclude that Z's date of birth should be treated as **29 March 2004**.

Post-script

67. I note that the applicant's solicitor produced the original CSID and INC cards for inspection at the hearing. It is reasonable to infer from the earlier date of the Home Office NDFU Forgery Report that the documents initially were given to the Home Office as evidence of Z's identity and for the purpose of his asylum claim. The Home Office would usually retain such documents during the course of an asylum application. If the applicant's solicitors obtained the original documents from the Home Office for the purpose of these proceedings, they should ensure that they are returned to authorities from which they were received by secure means to avoid loss.

~~~~~0~~~~~