



IN THE UPPER TRIBUNAL
IMMIGRATION AND ASYLUM CHAMBER

Case No: UI-2022-003767

First-tier Tribunal No: PA/55843/2021

THE IMMIGRATION ACTS

**Decision & Reasons Issued:
On 2nd of February 2024**

Before

UPPER TRIBUNAL JUDGE HANSON

Between

**WALID IBRAHIM KADIR
(NO ANONYMITY ORDER MADE)**

Appellant

and

SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Mr Selway on behalf of Immigration Advice Centre Limited.

For the Respondent: Ms Z Young, a Senior Home Office Presenting Officer.

Heard at Phoenix House (Bradford) on 31 January 2024

DECISION AND REASONS

1. In a decision promulgated following a hearing at Bradford on 16 August 2023 the Upper Tribunal found material error of law in the decision of the First-tier Tribunal and set that decision aside. The appellant's nationality, ethnicity, and immigration history are preserved findings.
2. The appellant was born on 1 July 1974 and is an Iraqi Kurd. He claimed asylum on the basis of risk arising as a result of an alleged blood feud with another family/tribe if he is returned to Iraq.
3. Directions were given to enable further evidence to be provided in support of the appellant's claim within the time-limit specified in the directions. None was provided, but there was no objection raised by Ms Young to Mr Selway asking the appellant further questions by way of evidence in chief, on a limited basis, at the start of his evidence.
4. It is not disputed before me that blood feuds do exist within Iraq. Both advocates referred to as the Country Policy and Information Note Iraq: Blood feuds, Version 2.0, March 2020 ('the CPIN'). Mr Selway referred to other objective material in the appellant's appeal bundle, all of which has been taken into account.
5. Section 4 of the CPIN sets out the definition of a blood feud in the following terms:

4 Blood feuds
4.1 Definition

4.1.1A report produced and published in June 2019 by the European Asylum Support Office (EASO) entitled 'Country Guidance: Iraq' stated: 'Blood feuds are conflicts between tribes involving cycles of retaliatory killings. Intertribal killings may be triggered by a number of reasons, including honour-related questions and historic intertribal animosities. It has been reported that the current instability has increased the onset of tribal conflicts, particularly in southern Iraq. 'Killing members of another tribe will put a target on the perpetrator, as well as his tribe.'

4.1.2 A report entitled 'International Protection Considerations with Regard to People Fleeing the Republic of Iraq' published in May 2019 by the UN High Commissioner for Refugees (UNHCR) stated: 'A blood feud usually involves members of one family threatening to kill members of another family in retaliatory acts of vengeance carried out according to an ancient code of honour and behaviour. In Iraq, conflicts between (extended) families can reportedly be triggered by intentional or unintentional killing, but also by other offences such as the infliction of injury, loss of "honour" (e.g. as a result of the kidnapping or rape of a woman or girl, or socially unacceptable behaviour), theft, unpaid debts, or unresolved disputes over land, access to water supplies or property. Under tribal custom, male members of an extended family ("khamsa") are obliged to avenge the injury or death of another member, be it in the form of killing someone from the murderer's khamsa, or, more commonly, agreeing on financial compensation (blood money, "fasl" or "diyya" to the family of the victim"), which in turn ends the right to retribution.'

4.1.3 Dr Alan George, providing evidence in the Country Guidance (CG) case of SI5, heard on 7 May 2008, quoting from his book, Jordan: Living in the Crossfire, October 2005, '...

in Iraqi, as in Jordanian, society:

"...sharaf, or honour, is everything, traditional mediation seeks to ensure that problems affecting individuals do not escalate into conflicts involving entire families and tribes...Tribal custom requires murder to be compensated by mutual agreement, failing which honour can be satisfied only by vengeance against the killer's family. Such so-called blood feuds can be grisly and protracted affairs involving a cycle of retaliation and counterretaliation that sometimes passes from generation to generation".'

4.1.4 Dr George also observed that 'it was the custom for women and children to be exempted from blood feuds'.

4.1.5 Another Iraqi country expert, Dr Rebwar Fatah, observed in the same CG case that tribal feuds 'will not fade away with time'

6. The issue in the current appeal is therefore not whether the appellant will face a real risk as a result of an honour killing per se, but whether his claim that he is a victim of such is credible. His claim for international protection was rejected by the Secretary of State in the Reasons for Refusal letter ('the refusal letter') as it was not found to be credible.

The appellants claim.

7. The appellant claims he is from Shaqlawa, a historic city in the Erbil Governorate in the IKR, located approximately 32 miles (51 km) to the north-east of Erbil.

8. The appellant left Iraq in November 2018, flying from Erbil international airport to Istanbul where he remained for 18 days in Turkey with his family. The appellant's claim is that he then travelled from Turkey by lorry for 12 hours, was transferred to a separate lorry for 18 hours, and a third lorry for 8 hours before he arrived in France. He remained in France for two months, travelled by bus to Calais, and by boat crossing the channel to the UK, where he arrived on 27 March 2019.
9. The appellant stated that he is of mixed ethnicity having a Kurdish father and Arabic mother, that he is a member of the Surchi tribe, and that he and his family experienced problems in Iraq with the Khailani tribe.
10. The appellant's claim is that those problems go back to 1992/1993 and began with a land dispute when the appellant's father killed a father and son from the Khailani tribe as the father was harassing people and a fight broke out between the appellant's family and that family. The appellant states the deaths have caused an ongoing blood feud which will continue until the feud is settled in law or blood and peace restored.
11. The appellant claims that as a result of the feud his house was attacked and set on fire around 1993. He claims that his family were also attacked two months later when he was returning home from hiding, when they were travelling to Hiran. The appellant also claims to have been attacked again in 2014 and in December 2017 when he was attacked by the Khailani tribe whilst taking his children out for a drive. The appellant claims that tribal members opened fire on his vehicle resulting in the appellant sustaining a gunshot wound and his sons sustaining two broken arms.
12. The appellant claimed asylum on arrival in the UK, was screened by the respondent, and attended his Asylum Interview on 29 March 2021. I have seen within the documents communication to the Secretary of State following the asylum interview providing comments/clarification of issues of concern to the appellant and/or his legal representative.

The refusal letter

13. The Secretary of State rejected the appellant's claim as he did not accept that the appellant is a credible witness. It was not disputed that if the appellant had established he is the victim of a blood feud may be entitled to refugee status under the Refugee Convention and Part 11 of the Immigration Rules, on the basis of being a member of a particular social group, namely a victim of a blood feud. The Secretary of State was not, however, satisfied to a reasonable degree of likelihood, that the appellant had a well-founded fear of persecution for a Convention reason in Iraq and was unable or, owing to such fear, unwilling to avail himself of the protection of the Iraqi authorities. The claim was also rejected on human rights grounds both within the Immigration Rules and the Human Rights Act 1998.
14. The basis of the appellant's claim is set out at [57 – 75] of the refusal letter which highlights some of the concerns held by the respondent in relation to alternative accounts being provided by the appellant for the same event. In these paragraphs it is written:
 57. You are Walid Ibrahim Kadir DOB 1.7.1974. (SCR 1.1).
 58. You are a national of Iraq (SCR 1.1).
 59. You describe your ethnicity as born of a Kurdish father and Arabic mother (1.13). A47
 60. You are a member of the Surchi tribe (letter from representatives dated 24.7.2019).

61. You have problems with members of the Khelani tribe. These problems go back to 1992/1993 and originally started as a land dispute (SCR 4.1) (PIQ Pg 4) (AIR 39,40,106).
62. **Alternatively**, this began in 1991 (AIR 39).
63. Your father killed a father named Bayziz and son from this tribe. This was because of Bayziz was harassing people and a fight broke out between your family and his. This has caused an ongoing feud with the Khelani tribe because in your culture a blood feud would continue until the matter is settled (AIR 41, 42, 107, 108).
64. You claim that as a result of this at the beginning of the feud on your family by members of the tribe was when your house was attacked and set on fire around 1993 (AIR 122, 165).
65. **Alternatively**, you claim that 2 months after you returned home from hiding your family were first attacked by members of the Khelani tribe whilst travelling by car to Hiran (AIR 118, 119, 124).
66. In approximately 2014 you were attacked again (AIR 132).
67. Your brother was killed in February 2017 by the Khelani tribe (PIQ Pg 4) (AIR 99, 138).
68. **Alternatively**, your two brothers and a cousin were killed by the Khelani Tribe (SCR 4.1).
69. In December 2017 you were attacked by the Khelani tribe when you were taking your children out for a drive in the car. They opened fire at you and you and you suffered a gunshot wound underneath your knee. Your son had two broken arms (AIR 155-161).
70. **Alternatively**, you were shot in 2016 by members of the Khelani Tribe. They beat you and your son once. (SCR 4.1).
71. **Alternatively**, you were shot in the right leg in 2017 by members of the Khelani tribe (Reps letter dated 24.7.2019).
72. Your son ran away with a female who is a member of this clan around 2017. You have not seen your son since 2016 (SCR 4.1) (PIQ Pg 4) (AIR 174 - 184).
73. **Alternatively**, two of your sons had a relationship with a female from the Khelani tribe (AIR 175, 176).
74. You have made several attempts at settlement with the Khelani tribe the last time being 2018 but these haven't been successful in resolving the issue (AIR 197).
75. You fear that if you return to Iraq you will be killed like your brother (AIR 43).

15. Nationality, ethnicity, membership of the Surchi tribe is accepted [98].

16. In relation to specific aspects of the claim it is written:

136. You claim that there have been several ongoing retaliatory events as a result beginning 2 months after when your family was attacked by members of the tribe whilst travelling to Hiran by car (AIR 118, 119, 124). You also claim that your family home was set on fire at the beginning of the dispute in 1993 (AIR 165). Because of the inconsistencies in the dates you provided of when this dispute began and which was the first attack it is not possible to make a positive conclusion on the initial attack, in addition the inconsistencies in the account of which and when such a significant event of the alleged initial incidents, which is considered the core of your claim, casts doubt on your claim.
137. You stated that the Khelani tribe killed a cousin and two of your brothers (SCR 4.1). In your PIQ you state that the Khelani tribe killed my brother (PIQ Pg 4). You later stated that you lost one brother fighting Isis and another brother was hanged by Saddam Hussein (AIR 204). Your responses about the deaths of your brothers are inconsistent.

...

140. Your claims about the number of deaths in your family and of how those that died because of the feud are related to you, are inconsistent. You make no further claims about other relatives' deaths other than your brother in 2017 at the hands of the Khelani Tribe during your substantive interview. Furthermore, no explanation has been provided for your inability to submit the documents which you said you would be relying on in your claim. You state that you are in touch with friends in Iraq and a paternal uncle (AIR 14, 15). This omission further casts doubts on your claim.
- ...
144. You were asked why there was a lengthy period of calm between your family and the Khelani tribe and you replied that the tribe hadn't become dormant but that they didn't have the chance to attack your family during that time. Also, Bayziz had another son called Bayziz Junior who grew up in the meantime and it was he that took revenge, killing your brother in 2017 (AIR 136-138). Your account of you and your family being closely monitored and targeted by the Khelani tribe is in fact entirely inconsistent that the you, or your family, have been targeted or had any problems for 20+ years. A1316
145. Furthermore your claim that someone in the tribe attacked your brothers in 2014 is not consistent with your claim that the tribe hadn't had the opportunity to attack your family during the period between the deaths of Bayziz and his son and the death of your brother. These inconsistencies cast doubt on your claim that the Khelani tribe had an active mission to exact revenge for the death of Bayziz and his son.
- ...
147. You stated that after your brother died in 2017 the situation deteriorated very quickly. You claim that your family made attempts to settle the feud but that because your father had killed 2 members of the Khelaini tribe they declared they would have to kill 4 members of your family (AIR 121, 151, 152, 163). You further claim that there have been many attempts to resolve the feud between the Khelani tribe and your family, but this hasn't been successful (AIR 107, 121, 151, 163, 196, 197).
148. Alternatively you state that the tribe promised to kill 2 people from your family and then they will sit down for reconciliation, they have renewed this promise every time you have sent elders to ask for settlement (AIR 192). Your claims regarding the number of deaths required to satisfy the Khelani tribe varies between 2 and 4. According to your own account this would be seen as sufficient revenge by the tribe which would satisfy their claimed demands. Your account is inconsistent with the number of avenged deaths the tribe state they wish to happen and your claim that no resolution has been found to resolve the feud.
149. When considering the tribal retribution for Baziz and his son's death it would be considered that your brother's death, had it occurred in the way that you claim, would be retribution in part for the deaths of Bayziz and his son. Also, your earlier claim that the Khelaini Tribe killed your 2 brothers and your cousin, by your own account this would satisfy the demands of what you say the tribe wish in retribution for the deaths of Bayziz and his son (SCR 4.1).
150. In addition, you state that your father has a brother who lives in the area (AIR 12). Despite your explanation that your uncle managed to avoid retribution because he is disabled and 'wasn't out and about', by your own account the members of the tribe were not averse to monitoring your families homes and even attending their place of work as you described in your brothers attack on him at his police station base. In addition, again in your own words, a tribal

feud in your culture would continue until the matter is settled and that even a cousin or a brother could be killed, and this is quite normal (AIR 42). Your account of your uncle living normally and without any issues is entirely inconsistent with your claim that your family are subject to an ongoing blood feud in Iraq. These external inconsistencies in your account add further doubts to your claim.

...

156. Both images of the damaged car have no date attached. The images of the damaged car do not indicate any damage from gunshot and on this basis the images carry no weight to your claim to have been attacked by the tribe in the manner you describe. In addition, given the lack of gunshot damage to the car this carries no weight to your claim of receiving a gunshot wound behind your knee whilst you were in the car driving.

4. A photograph of a male child with broken arms laying on a bed.

5. A photograph of a male child laying on a hospital trolley with an x ray.

157. Both images show injuries to a child. The images do not indicate the name of the child, the date of the injuries or how the injuries occurred. These images add no weight to your claim.

158. In addition your claim to participate in driving your children around the neighbourhood without guards present are in contrast to your claim of 'expecting death at every minute, our house had become like a peshmerga base, we had to guard it all the time, I was on duty for 2 hours then another for 2 hours and so on' (AIR 143). This is inconsistent with your claims for living in fear of ongoing violent retribution from the Khelani tribe.

17.A number of the appellant's claims are also said to be speculative, not in accordance with the country/objective evidence, and that the appellant's failure to claim asylum in safe European countries he passed through on his way to UK is said to damage his credibility pursuant to section 8 of the Asylum and Immigration (Treatment of Claimants, etc) Act 2004.

Discussion and analysis

18.An issue raised in the refusal letter was the failure of the appellant to provide other than a non-translated document which he claimed related to his membership of the Peshmerga, the standing military of the Kurdistan Region who are often described as the Kurdish fighters in northern Iraq, and who fought against Islamic militants of the Islamic State (ISIS) when they took control of parts of northern Iraq. Members of the Peshmerga were killed or sustained injury.

19.The appellant later provided a number of documents which he claims includes a death certificates of his brothers confirming how they died. One is a death certificate for his brother Kadir Ibrahim Kadir confirming he was martyred in 2003 having been killed by Saddam Hussein's government. Another a death certificate for his brother Mawloud confirming he was killed outside the police station in Shaqlawa when he was shot.

20.The appellant also claimed he has provided a forensic report confirming he was shot and that his son's arms were broken, with photographs of his son in castes after the accident and the car that was crashed.

21.In relation to this issue, it was not disputed by the respondent that the photographs provided showed a car that sustained damage, but that the

- pictures of the vehicles damage contain no evidence of bullet entry, sufficient to support the appellant's claim that had been shot in the knee whilst sitting in the car, in that incident. It is plausible that if the appellant was driving a car with his son in it which was involved in an accident that his son may have sustained injuries. The fact the appellant may have sustained injuries and his son may have broken his arms is not disputed, but the appellant's claim as to causation was found not to be credible by the decision maker.
22. Although the appellant claims in his witness statement not to have made comment regarding the number of people who had to be killed before there will be reconciliation, that was clearly his answer in his asylum interview recorded in the evidence.
 23. When one looks at the appellant's witness statement filed in response to the refusal letter it is clear that what he is doing is disagreeing with the conclusions reached, but they have not been shown to be ones not available to the decision-maker considering the evidence in the round. The finding the appellant has been inconsistent in his evidence is a sustainable finding.
 24. Retribution for blood feud is based upon the concept of the wronged party being able to take from the party that wronged them something of equal value. The old phrase of 'a life for a life' comes to mind. Sometimes, as set out in the CPIN the blood feud can be settled by negotiation with the blood debt being paid in money form.
 25. The appellant's claim is that a considerable period of time ago his father killed two people of the opposing tribe. The appellant's evidence, considering all those he claims to have been killed from his family, if true, must mean the blood debt has been repaid.
 26. The appellant refers, however, to other attempts at reconciliation having been made. There is comment in the refusal letter how about one aspect of the appellant's claim appears to be inconsistent with the method by which such reconciliation is affected. This was not adequately addressed by the appellant.
 27. The appellant acknowledged that reconciliation had been attempted in his oral evidence but when asked why it had not been successful claimed that one member of the opposing tribe objected. When asked who this person was he claimed not to know. I did not find the appellant's evidence in relation to this aspect at all convincing, especially when asked at question 100 of the asylum interview whether you knew the names of the people with influence in the tribe he fears, to which he provided the name and status of an individual concerned.
 28. One of the documents provided is a death certificate issued on 16 September 2014 in relation to a male named as Edris, occupation Peshmerga, whose cause of death is given as cerebral haemorrhage and brain laceration caused by explosion. There is nothing in the certificate that would tie this in with any alleged claim by the appellant.
 29. The document headed 'Sample/9' purports to be a death certificate dated 19 September 2004 in relation to a Qadir Ibrahim Qadir who died on 9 April 2003 issued by Judge of the personal affairs court in Shaqlawa, indicating the address of the deceased was Baghdad and place of death 9 April 2003 in Baghdad, which does not appear to tie in with the appellant's claim that family members were killed by the avenging tribe in his home area in the IKR.
 30. The death certificate in relation to Qader Abraham Qader dated 10 March 2010 refers to this individual being killed in the Anfal genocide, which was the event when Saddam Hussein attacked with poisonous gas Kurds in Anfa, not associated with the appellant's claim.
 31. A document dated 3 April 2017 purports to relate to a person whose name is given as Mawloud, born on 1 July 1966, who is said to have died at Shaqlawa on 11 February 2017 as a result of being shot by a bullet. The weight to be given to

this document has to be considered in the round together with the other evidence. As submitted by Ms Young, the document does not say that two individuals were killed, just speaks of an event, but provides no details of the incident or may have been involved.

32. The appellant refers to a forensic medical report and a translation of this has been included in his evidence. It is said to be dated 7 December 2017 the report reads:

My name is Dr Mohammed Najib Mohammed, as my signature is shown at the bottom of this letter.

I did forensics about Waleed Ibrahim Qader, 43, Sex: Male Thursday 7/12/2017. Report number: 4185.

My diagnosis:

On (7/12/2017) Mr (Waleed Ibrahim Qadar), who was with his children, was shot by an unidentified person who was driving a car with no registration. As a result, Mr (Waleed Ibrahim Qadar) was injured on his leg and his sons (Taleed Waleed Ibrahim) are broke was broken and his daughter (Ryan Walid Ibrahim) is in shock and shows psychological stress because of the fear.

33. The appellant has provided a document said to originate from the Shaklawa Police stating on 7 December 2017 there were informed about a shooting event and that when they attended it became clear an unknown person had fired the person described as their compatriot (Waleed Ibrahim Qadar), numberless car and wounded him on his leg with a shot gun. Also that his son's arm is broken, and his daughter's condition is marred by fear.
34. That appears to be a reference to an arm being broken in the singular rather than the plausible. Had the appellant been attacked by an individual using a shotgun or more likely in the IKR a Kalashnikov or other similar weapon, there would be evidence of such an attack in the photographs of the damaged car provided to the Secretary of State. Examination of those photographs showed no evidence of such damage. The appellant was aware of that claim in the refusal letter yet has adduced insufficient evidence to counter it.
35. A further document has been provided describing a head of household as Mawloud Ibrahim Qader Hassan. It relates to food distribution and is dated 20 May 2017. The only person by this name appears to be that named in this document but also document dated 3 April 2017 that claims that person was killed on 11 February 2017.
36. In accordance with the principles set out in Tanveer Ahmed, I have assessed the weight that I can give to the documentary evidence only having assessed the merits of the appeal in the round. I do not find the section 8 failure to claim asylum at the first opportunity to be determinative, but it is, by operation of statute, one factor to be considered. I do not find, even to the lower standard, that the appellant has established his claim to face a real risk on return to Iraq as a result of a blood feud is credible. The contradictions identified in the refusal letter in the appellant's evidence go to the core of his claim. Whilst I accept that a number of events occurred some time ago it is not unreasonable to expect the appellant to be consistent in relation to material aspects, yet he is not. I find little weight may be attached to the documents for the reasons set out above. I find there is merit in the assertion in the refusal letter of speculation in relation to some aspects of the appellant's claims made in the asylum interview which are not supported by the objective evidence.

37. Mr Selway's submission was that on the basis of the appellant's subjective evidence he had made out his claim and is entitled to succeed. The difficulty with that submission is that I do not find the appellant's subjective evidence given by him in the asylum interviews, witness statements, and oral evidence, is objectively well-founded, or has been shown to be reliable evidence upon which weight can be placed.
38. I find the appellant is not a credible witness and has not established, even to the lower standard, that he is entitled to a grant of international protection.
39. I find no credible risk of harm or ill-treatment made out if the appellant is returned to Iraq for the reasons he claims or otherwise.
40. In relation to whether the appellant can be returned to Iraq, the Secretary of State was provided by the appellant with a copy of his Peshmerga identity card indicating there is evidence of who he is issued by the authorities in the IKR.
41. The appellant had claimed to have no contact with his members of his family in Iraq but claimed in his oral evidence that he had re-established contact with his wife, his daughter and another family member more recently.
42. The appellant's claim in relation to his identity document is that they were left with his wife in her bag when they separated. Despite questioning by Ms Young, providing the appellant with ample opportunity to provide a plausible explanation for why he was claiming not to know where his identity documents were or how they had become lost, the appellant did not do so. The appellant is aware as a result of his involvement in the asylum process of the importance of establishing where his identity documents are, including his CSID. It is therefore implausible having maintained contact with the person who he claims was in possession of his identity documents he was not able to provide a credible explanation for why he was unaware of how they had become lost. There is merit in the submission that if this claim was credible he would ask his wife and been able to provide an explanation. Although Mr Selway in re-examination tried to repair the damage caused by the appellant's answers, by suggesting a possible reason why the appellant was unaware, namely that his wife had not told him, this does not satisfy me that the appellant was being credible in relation to this aspect of his claim. The appellant was not able, for example, able to provide a satisfactory explanation for his claim his wife had disposed of his ID documents but retained her own when there was no basis for her having done so. The appellant has not established, even to the lower standard of proof, that what he is claiming in relation to his identity documents is credible and therefore has not discharged the burden upon him to show he does not have access to his CSID, or the other identity documents referred to in his evidence.
43. It was also put to the appellant by Ms Young in her cross examination that there was no reason why he could not be returned to Erbil from where he could travel to his local CSA office and provide the necessary details to enable him to obtain an up-to-date biometric INID. The appellant's only response was he could not do this as he is at risk of being killed in Iraq, but I have found that claim not to be credible. No other explanation was provided by the appellant for why he could not do as suggested.
44. It is not disputed the appellant will be returned to the airport from which he flew from Iraq, namely Erbil. I was not provided with evidence or submissions that would show the appellant will be unable to obtain a laissez passer from the Iraqi authorities in the UK which will enable him to fly directly to Erbil. There is no evidence before me to show the appellant will not be able to pass through the airport into the city.
45. The appellant is in contact with his wife and other family members. In his evidence he also claimed to have an uncle in Iraq.

46. Although no submissions were made on the point, it is likely that the appellant's CSA office is in his home city. Insufficient evidence was provided to show the appellant will not be able to travel the short distance from Erbil to his home area.
47. Similarly it has not been made out the appellant will not be able to reintegrate and lead a normal life in Iraq.
48. In relation to Article 8 ECHR, this is not specifically relied upon by the appellant in the earlier pleadings. Mr Selway accepted there is no specific reference to it in the appellant's skeleton argument, although when he was asked to confirm whether the appellant was relying upon such a claim he accepted that he is, limited to his private life in the UK.
49. The appellant entered the UK illegally in March 2019. He has never had leave to remain and his status has always been illegal and/or precarious.
50. There is little detail of the nature of his private life although it is accepted he will have formed friendships whilst here and indeed was accompanied by a friend at the hearing.
51. I have considered section 117 of the Nationality, Immigration and Asylum Act 2002.
52. The appellant gave evidence through a Sorani interpreter with little evidence to show whether he is able to speak English or not. If he can communicate in English this is a neutral factor. It is not made out the appellant is financially independent. Little weight can be given to the appellant's private life, established as it has been in the time when he had no lawful leave to remain, pursued a protection claim which has been shown to be without merit, and in the absence of anything to warrant any greater weight being placed upon the same. It is not made out, for example that any friendships formed could not be sustained from abroad once he has been returned to Iraq.
53. Conducting the necessary balancing exercise, weighing the appellant's friendships and very limited evidence of any private life of substance on one hand against the legitimate aim of having an effective and workable immigration system, especially relation to those who enter the UK illegally make claims that lack credibility, I find the Secretary of State has established that any interference in the appellant's private life in the UK is proportionate.
54. In conclusion, I find the appellant is not a credible witness, he is not entitled to a grant of international protection as a refugee, a person entitled to a grant of Humanitarian protection, or under Articles 2 or 3 ECHR or the Immigration Rules and is not entitled to a grant of leave to remain on human rights grounds, either within or outside the Rules.
55. On that basis I dismiss the appeal.

Notice of Decision

56. Appeal dismissed.

C J Hanson

Judge of the Upper Tribunal
Immigration and Asylum Chamber

1 February 2024