



**Upper Tribunal
(Immigration and Asylum Chamber)**

Appeal Number: PA/01963/2020

THE IMMIGRATION ACTS

**Heard remotely via Teams
On 11 June 2021**

**Decision & Reasons Promulgated
On 23 June 2021**

Before

UPPER TRIBUNAL JUDGE LANE

Between

**DIF
(ANONYMITY DIRECTION MADE)**

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Mr Islam

For the Respondent: Mr Diwnycz, Senior Presenting Officer

DECISION AND REASONS

1. The appellant is a citizen of Iraq who was born in 1993. He appealed to the First-tier Tribunal against a decision of the Secretary of State made on 20 February 2020 dismissing his claim for international protection. The First-tier Tribunal, in a decision promulgated on 8 February 2021, dismissed his appeal. The appellant now appeals, with permission, to the Upper Tribunal.
2. The judge accepted that the appellant would be at real risk of harm in his home area of Iraq, Tuz Khurmato. However, he found that the appellant could avail himself of the option of internal flight to the Independent Kurdish Region (IKR).

3. First, the appellant challenges the decision on the ground that the credibility assessment is flawed by the judge's overemphasis of the fact that the appellant passed through several safe countries in Europe *en route* for the United Kingdom. The appellant asserts that he had lacked the autonomy during the journey to be able to make a claim for asylum because he was 'instructed by his brother in law who arranged and paid for the agents'.
4. The problem with this challenge is that the appellant's explanation for not claiming asylum earlier has already been addressed by the judge at [36]. The judge gave reasons for finding that the appellant's evidence 'to be lacking in coherence' and rejected expressly the claim that the agents had exercised such tight control over the appellant (who had been fingerprinted in Italy and Holland) so as 'to preclude an earlier claim [for asylum]'. The first ground of appeal, therefore, amounts to nothing more than disagreement with a soundly reasoned finding of the judge.
5. The second ground is founded on a misreading of the refusal letter of the Secretary of State. The appellant claims that the Secretary of State accepted that he was no longer in touch with his family in Iraq and that the judge went behind that concession by finding at [40] that the application had failed to prove that he had lost touch with relatives. The refusal letter, at [67], unequivocally states that the Secretary of State did not accept that the appellant was no longer in touch with his family. The ground also misreads the judge's decision at [40/41] by identifying a contradiction where none exists. The appellant submits that the judge found inconsistently that the appellant had not lost touch with his family and that 'he would ... have [no] family or social contacts within the IKR to assist him in adjusting to life there.' The judge has distinguished the appellant's home area of Tuz Khurmato (which is not the IKR) and the IKR; there is not inconsistency in finding that the appellant has no family in the IKR but does have family elsewhere in Iraq.
6. Thirdly, the appellant asserts that the judge's findings regarding internal flight are unsound. The grounds and the oral submissions of Mr Islam, who appeared for the appellant at the initial hearing in the Upper Tribunal, were made on the understanding that the appellant would have to re-document himself in Iraq or whilst still in the United Kingdom and all the problems which that process would create. However, as I pointed out to Mr Islam, it is clear from the decision that the judge considered that the appellant still has possession of his CSID card or is able to access it. Indeed, at [40], the judge 'did not find the appellant credible about losing contact with his family *or his identification documents.*' [my emphasis]. I consider that the judge's findings of fact and his rejection of the credibility of the appellant's evidence are sound in law, including his findings regarding identity documents. The assertion on the grounds [3] that the fact the appellant had attended the Iraqi Consulate in Manchester twice indicates that he does not have identity documents is essentially nothing more than a disagreement with the judge's finding. The grounds say nothing about the ability of the appellant to live in the IKR having

relocated there. Accordingly, I find that the judge has adequately addressed the matter of internal flight and that his findings are sound in law. The appeal is dismissed.

Notice of Decision

The appeal is dismissed.

Signed

Date 11 June 2021

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.