



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

Appeal Number: PA/52566/2020
UI -2022-000298; IA/00142/2021

THE IMMIGRATION ACTS

**Heard at Manchester Civil Justice
Centre
On 2 August 2022**

**Decision & Reasons Promulgated
On 23 September 2022**

Before

UPPER TRIBUNAL JUDGE LANE

Between

**SHORESH QADIR SALEH
(ANONYMITY DIRECTION NOT MADE)**

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Mrs Johnrose

For the Respondent: Ms Young, Senior Presenting Officer

DECISION AND REASONS

1. The appellant is a male citizen of Iraq who was born on 17 July 1986. He appealed to the First-tier Tribunal against a decision of the Secretary of State dated 30 October 2020 refusing his further submissions in support of a claim for international protection. The First-tier Tribunal, in a decision 10 January 2021, dismissed his appeal. The appellant now appeals, with permission, to the Upper Tribunal.
2. At the initial hearing, Ms Young, who appeared for the Secretary of State, told me that the respondent considers that Ground 2 is made out and that

the First-tier Tribunal erred in law such that its decision falls to be set aside.

3. At [32-33], the judge wrote:

32. It is, it must be said, plausible that after all this time, he does not hold a valid CSID. The reality is that this Appellant need not have proved that his family was entirely missing or dead at all. He need only have established that they were not in Diyala and so not in a position to potentially send him documents or assist him with a proxy application for a CSID, if in fact Diyala has not switched to INID terminals yet. But that is not how the Appellant's case is put, and it must reach the lower standard of 5 Appeal Number: PA/52566/2020 proof. I find that in the absence of any reasonable effort on his part, it does not reach the lower standard.

33. There is no evidence before me that reaches the lower standard that the Appellant has any need to internally relocate in Iraq, or any need for protection. I need not consider how SMO applies to internal relocation for him.

4. It is evident that the judge has failed to apply *SMO, KSP and IM (Article 15(c); identity documents) Iraq CG [2019] UKUT 400*, which was valid country guidance at the time of the hearing before the First-tier Tribunal. Irrespective of any need to exercise internal flight, the judge has failed to address how the appellant, who will be returned to Baghdad, will get to his home area of Diyala without a CSID or INID.
5. I set aside the decision. None of the findings of fact shall stand. The appeal is returned to the First-tier Tribunal for that Tribunal to remake the decision after a hearing *de novo*.

Notice of Decision

I set aside the decision. None of the findings of fact shall stand. The appeal is returned to the First-tier Tribunal for that Tribunal to remake the decision after a hearing *de novo*.

Listing Directions: return to First-tier Tribunal; first available date at Manchester; 1.5 hours; Kurdish Sorani interpreter; not Judge Ficklin.

Signed

Date: 4 August 2022

Upper Tribunal Judge Lane