



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

Appeal Number:  
PA/53559/2021  
UI-2022-001732; IA/12035/2021

**THE IMMIGRATION ACTS**

**Heard at Manchester  
On 22 November 2022**

**Decision and Reasons  
Promulgated  
On 12 February 2023**

**Before**

**Upper Tribunal Judge Kebede  
Deputy Upper Tribunal Judge Sills**

**Between**

**YII  
(Anonymity Direction Made)**

Appellant

**and**

**SECRETARY OF STATE FOR THE HOME DEPARTMENT**

Respondent

**ERROR OF LAW DECISION**

**Representation:**

For the Appellant: Ms Chowdhury  
For the Respondent: Mr McVeety

**Introduction**

1. The Appellant (A) appeals against the decision of Judge Williams (the Judge) dated 31 March 2022 dismissing A's appeal on all grounds.

**Factual Background**

2. A is a citizen of Iraq, born on 24 July 1998. He entered the UK on 31 December 2019 and claimed asylum. The Respondent (R) summarises A's asylum claim in the decision under appeal as follows:
- a. *You are a national of Iraq (SI 1.5)*
  - b. *In October 2018, you started talking to a girl called Hawar who was a friend of your sisters. You managed to get Hawar's telephone number from your sister (AI1 82,83, AI2 24)*
  - c. *You would text Hawar or speak to her on the telephone when she would text you to say it was okay to talk if her family were out of the house or if her father was asleep. On Thursdays you would see her when you met your sister to take her back to the village, but you were unable to talk to Hawar much face to face because "every student knew her and her family". (AI1 85-87)*
  - d. *You would also only see Hawar when you went shopping with your sister, but you haven't been alone with her. (AI1 88)*
  - e. *On 14 April 2019, Hawar text you and told you she could speak to you because her father was not well and was in bed sleeping. Whilst you were talking to Hawar her father came to the room she was in and found you both talking. Hawar hung up straight away but you believe her father forced her to tell him who you were. Ameer then phoned you, he swore at you and said bad words, he threatened you and your family. You then "got really angry and swore at him". (AI1 92-93,97,99)*
  - f. *On 15 April 2019, your family home was attacked by Hawar's brothers and cousins whilst you were at your sister's house. Your father rang you and told you that Hawar's family is looking for you and threatening to kill you. (AI1 109,110)*
  - g. *On 16 April 2019, an arrest warrant was issued for you. (AI1 108)*
  - h. *On 17 April 2019, whilst you were at your sister's house 6 officers came and arrested you and took you to Azadi station. You were held for approximately 1 month before your father and uncle paid your bail. (AI1 108,114-117,125,126)*
  - i. *You then moved to Irbil and stayed with one of your sisters for 2-3 days before moving to Sulaymaniyah. In Sulaymaniyah you lived and worked at a petrol station for 6 months illegally because your brother knew the owner. After 6 months the owner requested your personal information in order to make a work ID card for you. (AI1 129,131-134,141, AI2 61-62)*
  - j. *On 25 November 2019, at night time whilst you were alone at the petrol station you were attacked by one of Hawar's brothers*

*and another person with wood and metal, they were telling you that you had brought shame to their family. They stopped beating you when people started to gather around. (AI1 139, 140, 143, AI2 64-67)*

*k. On 12 September 2019 (later changed to 9 December 2019 in your AI amendments), you left Iraq illegally to Turkey in a lorry using a smuggler who was arranged by your father, your paternal uncle and your brother in law. (AI147,49,51,52,56, AI amendments)*

*l. You have claimed that on return to Iraq you fear Ameer will kill you because you had a relationship with his daughter called Hawar. (AI1 41,43,70, AI2 30)*

3. R refused the application on 28 June 2021 and A appealed. The Judge heard the appeal on 16 March 2022. He dismissed the appeal on 31 March 2022. The Judge found that A's account was not credible. The Judge was satisfied that A was not involved in a relationship with Hawar as claimed and had not come to the adverse attention of her family. The Judge found that A could obtain his original CSID and so would not be at risk due to a lack of documentation.
4. A applied for permission to appeal raising four grounds. First, the Judge had erred in his consideration of A's sister's evidence. The findings were perverse and the evidence was not considered in the round. Second, the Judge had erred in finding it to be implausible that A did not know Hawar's family name. Third the Judge had erred in making adverse findings due to the spelling of A's name on the arrest warrant. The Judge gave inadequate reasons for his findings in relation to the CSID.
5. Permission to appeal was granted by Judge Brannan. Judge Brannan identified ground 1 in particular as having merit.

### **The Hearing**

6. At the hearing, Ms Chowdhury relied and expanded upon the grounds of challenge. Mr McVeety opposed the appeal. We reserved our decision.

### **Findings**

7. We deal with the grounds of challenge in turn. It is argued that the Judge erred in assessing the evidence of A's sister at para 22(e). We do not accept this. The Judge gave legitimate reasons for attaching little weight to the evidence. She was not in Iraq at the time of, and so had not witnessed any of, the claimed events. It was for the Judge to decide what weight to attach to the evidence. The Judge was entitled to attach little weight to the evidence for the reasons given.

8. As to the second ground, the Judge was entitled to find at para 19 that it was not credible that A did not find out Hawar's family name given her father was a Major General and would be well known in Koya, A's sister had studied with Hawar, and their relationship lasted two months and they were in regular contact during that time. The Judge was entitled to make these observations. None of the caselaw relied upon by A state that making a finding that a claim lacks plausibility is an error of law. The Judge did not err in law in considering this decision.
9. We do not consider that the Judge made any error in considering the arrest warrant. The spelling of A's name was just one issue raised with the document. The Judge also noted that the warrant did not include A's full family name, age, address or occupation. The Judge was entitled to attach little weight to the document for the reasons given.
10. The final ground concerns A's evidence about his CSID. Having found the core of A's claim not to be credible, the Judge was also entitled to find A's evidence in relation to his CSID not credible. The Judge was entitled to find that A's family would be able to provide him with his original CSID.
11. The grounds do not identify any error of law. We dismiss the appeal.

### **Notice of Decision**

The appeal is dismissed.

Signed

Date 7



December 2022

Deputy Upper Tribunal Judge Sills

### **Direction regarding anonymity - Rule 14 of the Upper Tribunal Rules**

**Unless and until a tribunal or court directs otherwise, the Appellant is 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**

**Appellant and the Respondent. Failure to comply with this direction could lead to contempt of Court proceedings.**

Signed

Date 7

A handwritten signature in black ink, consisting of a large, stylized initial 'S' followed by a horizontal line and a small flourish.

December 2022

Deputy Upper Tribunal Judge Sills