



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

**Appeal Number: PA/01120/2021  
UI-2022-001202**

**THE IMMIGRATION ACTS**

**Heard at Bradford IAC  
On the 7 September 2022**

**Decision & Reasons Promulgated  
On the 23 January 2023**

**Before**

**UPPER TRIBUNAL JUDGE LANE**

**Between**

**THE SECRETARY OF STATE FOR THE HOME DEPARTMENT**

Appellant

**and**

**FARIDOON ABDULLAMAHMUD  
(ANONYMITY DIRECTION NOT MADE)**

Respondent

**Representation:**

For the Appellant: Ms Young, Senior Home Office Presenting Officer

For the Respondent: Mr Holmes.

**DECISION AND REASONS**

1. I shall refer to the appellant as the 'respondent' and the respondent as the 'appellant', as they appeared respectively before the First-tier Tribunal. The appellant was born 1 January 1987 and is a male citizen of Iraq. He appealed to the First-tier Tribunal against the decision of the Secretary of State dated 20 February 2019 refusing his application for international protection. The First-tier Tribunal, in a decision promulgated on 27 January

2021, allowed the appeal. The Secretary of State now appeals, with permission, to the Upper Tribunal.

2. At the Upper Tribunal initial hearing, Ms Young, who appeared for the Secretary of State, told me that Ground 1 and that the part of Ground 2 which concerns the rollout of INID cards to the appellant's home area ('... *nor has it been established that the INID cards have been rolled out to the Appellant's home area as the FTTJ baselessly finds at [46]'*) are no longer pursued. Consequently, the appeal proceeded on the remaining element of Ground 2:

In addition in this appeal the FTTJ claims that the FTTJ Dhaliwal did not make adverse credibility findings, specific to the CSID card, and that the appellant has been consistent on this point, which does not appear to have been the case. Judge Dhaliwal accepted that there may have been some confusion as to which document was being discussed during the interviews, but ultimately found that the appellant would be expected to have differentiated between the documents [21(ii)]. At the end of [21] Judge Dhaliwal stated the following: *"I find that the Appellant has been far from consistent in the accounts that he gives, his accounts seem to change at different stages. I do not find that his explanations for such changes hold."*

The FTTJ in the current appeal found that the caselaw had moved on from Judge Dhaliwal's previous determination. At [45] the FTTJ states "That being that an individual cannot obtain a replacement CSID from the UK". This does not reflect what was stated in paragraph 13 of SMO: *"Notwithstanding the phased transition to the INID within Iraq, replacement CSIDs remain available through Iraqi Consular facilities. Whether an individual will be able to obtain a replacement CSID whilst in the UK depends on the documents available and, critically, the availability of the volume and page reference of the entry in the Family Book in Iraq, which system continues to underpin the Civil Status Identity process."*

It has been accepted by both FTTJ's that the appellant has contact with family in Iraq. Furthermore, as highlighted in the Reasons for Refusal Letter, the appellant's family were able to send the arrest warrant to him. There is no reason why they would be unable to send the other identity documents including the expired passport that he left in Iraq, or provide the Family Book reference numbers. It is submitted that contrary to the FTTJ's findings, the caselaw has not moved on since Judge Dhaliwal's determination of with regard to obtaining a replacement CSID card from within the UK. The UT in SMO were not asked to revisit guidance on this subject - paragraph 117 of AA which was promulgated prior to Judge Dhaliwal's determination is the relevant country guidance on this matter.

3. At [44], the judge found:

The question then that remains for me determine is that if he has family why can he not seek their assistance to get redocumented. At this point it is important to refer to what the Appellant has said previously and at the hearing before me, and that is that he left his Iraqi passport and ID card in Iraq, however he CSID card with him on his journey to the UK and on the instructions of the agent threw that in the sea. At paragraph 21 (ii) of the

determination Judge Dhaliwal discusses the issue of documents but fails to make a finding on whether it is accepted that the Appellant threw away his CSID in the sea. I find that this is where I can depart from the Appellants previous determination because although he was not found to be credible in regards to his overall account, his evidence regarding the CSID I find has remained consistent.

4. The passage of the previous determination quoted in the Secretary of State's grounds appears in a long paragraph [21] in which the judge considered the consistency of the appellant's entire account, including what he had said regarding his identity documents. The judge notes the appellant's failure to explain why he had said that he had thrown his CSID card in the sea and also that he had left it in Iraq. The judge notes also (as the First-tier Tribunal in the present appeal observed) that the appellant may have been legitimately confused at interview between his Iraqi national certificate and the CSID. The judge reaches no firm finding that the appellant has access to the card nor does he reject, in terms, either story regarding the card's disposal. In my opinion, the judge was entitled to make his own finding regarding the fate of the card in the light of the previous judge's findings whilst maintaining the principles of *Devasseelan* [2002] UKIAT 00702\*. He has not contradicted, on the same evidence, an unequivocal finding of fact of the previous Tribunal.
5. In the circumstances, the Secretary of State's fails. The First-tier Tribunal was entitled, applying correctly the current country guidance, to find that the appellant does not possess and cannot access his CSID card whilst both parties now agree that the INID has been rolled out to the appellant's home area. The appellant cannot obtain an INID by proxy or application from abroad. He cannot obtain the document from the Iraqi Embassy. He would be unable, without facing real risk, travel from Baghdad (to which city he will be returned) to his home area because he will not possess a CSID or INID. Accordingly, the Secretary of State's appeal is dismissed.

### **Notice of Decision**

The Secretary of State's appeal is dismissed.

Signed

Date 1 November 2022  
Upper Tribunal Judge Lane