



Upper Tribunal
(Immigration and Asylum Chamber)

Appeal Number: PA/06996/2018

THE IMMIGRATION ACTS

Heard at Manchester
On 31st May 2019

Decision Promulgated
On 2nd July 2019

Before

DEPUTY JUDGE UPPER TRIBUNAL FARRELLY

Between

MR A A O
(ANONYMITY DIRECTION MADE)

Appellant

AND

SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the appellant: Mr J Howard of Fountain Solicitors.

For the respondent: Mr Tan, Senior Presenting Officer.

DECISION AND REASONS

Introduction

1. The appellant made a claim for protection in November 2017. He claimed he was a Kurdish Iraqi national born in June 1985.
2. He said that he lived with his parents and two brothers in Sulaimaniyah. His father owned family land and when he experienced ill-health divided this between his sons, keeping a portion for himself. He subsequently gave his share to the

appellant for the attention he gave him when he was unwell. The appellant had a business partner who farmed the land. In 2017 his brothers and his uncle became aware of what his father had done. They were resentful and threatened the appellant. They assaulted him and on another occasion approached him in the car and fired shots of him. His mother advised the appellant to leave the country. He said his brothers were involved with the PUK. Consequently, he left Iraq on 24 August 2017 flying to Turkey. He then made his way overland arriving in the United Kingdom.

3. The respondent refused his claim on the 27th May 2018. The family dispute was not accepted nor was it accepted that his brothers had influence in the IKR.
4. His appeal was heard by First-tier Tribunal Judge Thomas at Birmingham on 3rd of July 2018. In a decision promulgated on 8 August 2018 his appeal was dismissed. The judge did not find the claim established. His failure to claim in a safe country was raised in relation to section 8. The judge said the account was not credible. If his father had given him his share his brothers and uncle could have expressed their displeasure at his father or his business partner. There was no evidence that his brothers were involved with the PUK.
5. At hearing the presenting officer submitted there were direct flights to the IKR and the appellant's family could help him get a CSID. He had indicated he was in contact with his mother and sister as well as a maternal cousin. The judge did not make a finding as to whether there were direct flights to the IKR but considered his return to Baghdad. The judge said he could be return there on a laissez passer and from there transfer to the IKR. The judge took the view that he could obtain a CSID quickly with the help of his family.

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6. Permission to appeal was granted on the basis it was arguable the judge failed to explain how he would be able to travel to the IKR from Baghdad. This was on the basis there were no direct international flights.
7. At hearing, Mr Howard confirmed that the only issue was the question of the documentation for the appellant's return. He accepted that the indication was that there are now direct flights from the United Kingdom to the IKR.
8. Mr Tan pointed out there was no challenge to the rejection of the underlying claim. Given the appellant's profile as a Kurd from the

IKR he submitted he would be able to obtain his CSID or a replacement without difficulty.

Conclusions

9. The judge rejected the appellant's underlying claim and there has been no challenge to this. The appellant is from the IKR. The only issue relates to the practicalities of return.
10. His family live in Sulaimaniyah. He said he was in contact with his mother and sister. He also indicated having 2 brothers and another sister. In his substantive interview he said his Iraqi National certificate was with his sister.
11. On the basis the underlying claim has not been accepted he has close family and extended family members to help him in the IKR. No reason has been advanced as to why he cannot obtain documentation. It has been accepted on his behalf there are direct flights from Manchester to the IKR. Given that he is Kurdish and has lived in the IKR I can anticipate no difficulties with his return. This being the only issue I find no material error of law established.

Decision.

No material error of law has been established in the decision of First-tier Tribunal Judge Thomas. Consequently, the decision dismissing the appellant's appeal shall stand.

Deputy Upper Tribunal Judge Farrelly
30 June 2019