



IN THE UPPER TRIBUNAL
IMMIGRATION AND ASYLUM CHAMBER

Case No: UI-2022-006175

First-tier Tribunal No: PA/03194/2020

THE IMMIGRATION ACTS

Decision & Reasons Issued:
On 31st May 2024

Before

UPPER TRIBUNAL JUDGE HANSON

Between

SKA
(ANONYMITY ORDER MADE)

Appellant

and

SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Mr Vokes instructed by AB Legal Solicitors.

For the Respondent: Mr Lawson, a Senior Home Office Presenting Officer.

Heard at Birmingham Civil Justice Centre on 21 May 2024

Order Regarding Anonymity

Pursuant to rule 14 of the Tribunal Procedure (Upper Tribunal) Rules 2008, the appellant is granted anonymity.

No-one shall publish or reveal any information, including the name or address of the appellant, likely to lead members of the public to identify the appellant. Failure to comply with this order could amount to a contempt of court.

DECISION AND REASONS

1. On 30 November 2023 Deputy Upper Tribunal Judge Davidge found an error of law material to the decision of a judge of the First-tier Tribunal who dismissed the appellant's appeal against the refusal of her application for international protection.
2. There was no challenge to the adverse credibility findings made by the First-tier Tribunal Judge in relation to claimed risk in Chamchamal in Iraq.

3. The material error was said to relate to muddle concerning the appellant's home area. The appellant was treated as being from the IKR and being able to return to Chamchamal or being able to relocate elsewhere within the IKR, whereas the agreed position in the reasons for refusal letter was that the appellant's home area was Dakuk within the Kirkuk Governorate.
4. The matter returns before me today for the purposes of enabling the Upper Tribunal to substitute a decision to either allow or dismiss the appeal. A judicial transfer order has been made.
5. It was accepted before me that the point of return for the appellant will be to Baghdad. It was accepted that the appellant did not have necessary identity documents nor contact with family to enable her to obtain the same. It was accepted before me that this would mean the appellant would be returned undocumented to Baghdad.
6. There is no evidence the appellant has sufficient contacts or resources to be able to internally relocate to Baghdad and nor would she be able to live a normal life there without relevant identity documents. It is also the case that without such documents the appellant would not be able to travel through checkpoints to get to her home area. The only documents currently being issued in Iraq are the new biometric INID, as a CSID is no longer being issued, which requires the appellant to travel to her home area.
7. Mr Lawson accepted, when all the facts are taken into account, that the appellant is entitled to a grant of humanitarian protection in accordance with the Secretary of State's published policy, as a result of the real risk she would face on return to Iraq without a proper identity document.
8. On that basis I allow the appeal.

Notice of Decision

9. Appeal allowed.

C J Hanson

Judge of the Upper Tribunal
Immigration and Asylum Chamber

21 May 2024