



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

Appeal Number: AA006492016

THE IMMIGRATION ACTS

**Heard at Newport
On 1st August, 2017**

**Decision & Reasons
Promulgated
On 7th August, 2017**

Before

Upper Tribunal Judge Chalkley

Between

**SSMA
(ANONYMITY DIRECTION MADE)**

and

Appellant

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Ms Bayoumi of Counsel instructed by Asylum Justice

For the Respondent: Mr David Mills, Home Office Presenting Officer

DECISION AND REASONS

1. The appellant is a national of Libya, born on [] 1989. He arrived in the United Kingdom on 27th July 2014, with entry clearance as a student until 1st April 2015. On 21st March 2015, the day following the end of his course, he made application for asylum.
2. The appellant's application was refused by the Secretary of State on 22nd April 2016 and the appellant appealed the decision to the First-tier Tribunal. On 12th December 2016, First-tier Tribunal Judge Powell heard

the appellant's appeal. Counsel appearing on behalf of the appellant told the judge that the appellant did not rely on either the Immigration Rules or on Article 8 and confirmed that the appellant's human rights Articles 2 and 3 appeals stood or fell with his asylum claim and that in the light of country guidance he could not, and did not rely on Article 15(c) of the Qualification Directive. The judge applied the then country guidance case of *AT (Article 15(c): risk categories) CG* [2014] UKUT 318 (IAC) and in the light of that dismissed the appellant's appeal.

3. The appellant, dissatisfied with the judge's decision, sought and was granted leave to appeal on the basis that the judge erred in accepting a concession from the appellant's previous representative that Article 15(c) was not being pursued. At the hearing before me, Mr Mills handed me a copy of *ZMM (Article 15(c)) Libya CG* [2017] UKUT 00263 (IAC) and told me that in the light of that decision the appellant's appeal is being allowed by the respondent. This determination appears as a matter of record.

Anonymity order made.

Direction Regarding Anonymity - Rule 14 of the Tribunal Procedure (Upper Tribunal) Rules 2008

Unless and until a Tribunal or court directs otherwise, the appellant is granted anonymity. No report of these proceedings shall directly or indirectly identify him or any member of his family. This direction applies both to the appellant and to the respondent. Failure to comply with this direction could lead to contempt of court proceedings.

Richard Chalkley
Upper Tribunal Judge Chalkley

TO THE RESPONDENT
FEE AWARD

As I have allowed the appeal and have decided to make no fee award of any fee which has been paid or may be payable (adjusted where full award not justified) for the following reason. The respondent has granted the appellant recognition as a refugee.

Richard Chalkley
Upper Tribunal Judge Chalkley

3rd August, 2017