



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

Appeal Number: PA/11122/2017

**Heard at Bradford  
on 19 February 2020**

**Decision & Reasons  
Promulgated  
on 25 February 2020**

**THE IMMIGRATION ACTS**

**Before**

**UPPER TRIBUNAL JUDGE HANSON**

**Between**

**AA  
(anonymity direction made)**

Appellant

**and**

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

Respondent

**Representation:**

For the Appellant: Mr Grier instructed by Batley Law Ltd

For the Respondent: Mrs R Petterson Senior Home Office Presenting Officer.

**DECISION AND REASONS**

1. On 31 January 2019 the Upper Tribunal set aside a decision of the First-Tier Tribunal which dismissed the appellant's appeal.
2. The appellant applied for international protection as a result of a fear of persecution on return to Sudan given his membership of the Bergo tribe.
3. The First-Tier Tribunal did not accept the appellant's claimed ethnicity.
4. The appeal was adjourned to await the outcome of the new country guidance case relating to Sudan which has now been reported as AAR & AA (Non-Arab Darfuris-return) Sudan [2019] UKUT 00282 (IAC).
5. In accordance with case management directions the appellant has provided a supplementary bundle containing witness statements from

3 relatives who have been granted status in the United Kingdom on the basis of their accepted ethnicity as members of the Bergo tribe, a medical report, and 2 letters from the Ouaddai/Bargo-Selleyhad Community in the UK. The Tribunal also has before it the appellant's original appeal bundle containing the country expert report of Mr Peter Verney.

6. Mrs Petterson confirmed that enquiries she had made for the purposes of this hearing confirmed the accuracy of the statement that the witnesses have been granted international protection in the United Kingdom on the basis of their accepted ethnicity.
7. In light of the weight of evidence now available it was not disputed that the appellant is a member of the Bergo tribe and, in accordance with AAR & AA that it was necessary to assess risk by reference to the country guidance cases of AA (non-Arab Darfuris -relocation) Sudan CG [2009] UKAIT 00056 and MM (Darfuri) Sudan CG [2015] UKUT 00010 (IAC) at this time.
8. It is accepted the appellant was arrested and detained in Sudan for 20 days on 2 August 2016 before he fled the country on 15 October 2016.
9. It is not disputed in light of all the available evidence that the appellant will face a real risk of persecution on return to Sudan as a result of his ethnicity sufficient to entitle him to a grant of international protection. Accordingly this appeal is allowed on asylum grounds.

### **Decision**

10. **I remake the decision as follows. This appeal is allowed.**

Anonymity.

11. The anonymity order made pursuant to rule 14 of the Tribunal Procedure (Upper Tribunal) Rules 2008 shall continue until further order.

Signed.....

Upper Tribunal Judge Hanson

Dated the 20 February 2020