



Upper Tribunal
(Immigration and Asylum Chamber)

Appeal Number: PA/00608/2020 (V)

THE IMMIGRATION ACTS

Heard at Field House via Skype for Business
On Friday 5 March 2021

Decision & Reasons Promulgated
On Friday 26 March 2021

Before

UPPER TRIBUNAL JUDGE SMITH

Between

SECRETARY OF STATE FOR THE HOME DEPARTMENT

Appellant

-and-

H J A

Respondent

Representation:

For the Appellant: Ms A Everett, Senior Home Office Presenting Officer
For the Respondent: Ms M Niama, Legal representative, Berkshire Law Chamber

Anonymity

Rule 14: The Tribunal Procedure (Upper Tribunal) Rules 2008

An anonymity order was made by the First-tier Tribunal. As this appeal involves a protection claim, I consider it is appropriate to continue that order. Unless and until a Tribunal or court directs otherwise, the Respondent is granted anonymity. No report of these proceedings shall directly or indirectly identify him or any member of his family. This direction applies, amongst others, to both parties. Failure to comply with this direction could lead to contempt of court proceedings.

DECISION AND REASONS

BACKGROUND

1. This is an appeal brought by the Secretary of State. For ease of reference, I refer to the parties as they were before the First-tier Tribunal. The Appellant appeals against the decision of First-tier Tribunal Judge Hembrough promulgated on 22 September 2020 (“the Decision”). By the Decision, the Judge dismissed the Appellant’s appeal on asylum grounds but allowed it on humanitarian protection and Article 8 grounds.
2. The Appellant is a national of Iraq. He arrived in the UK on 11 February 2002, aged ten years, with his father who claimed asylum with the Appellant and his siblings as dependents. They were recognised as refugees and granted indefinite leave to remain. On 7 September 2007, the Appellant was sentenced to four years detention in a young offenders’ institution for possession with intent to supply and supply of Class A drugs. On 28 May 2012, the Respondent notified the Appellant of her intention to cease his refugee status. He was thereafter served with notice of his deportation. His appeal against that decision was dismissed in a decision promulgated on 18 March 2013.
3. In July 2015, the Appellant applied to remain in the UK based on his private and family life. That application was initially granted in error, but the grant was withdrawn shortly thereafter. The application was then treated as an application to revoke the deportation order. That was refused on 16 December 2015. It appears that the Respondent applied paragraph 353 of the Immigration Rules to the decision and therefore refused to allow a further appeal. However, following what appears to have been a successful application to judicially review that decision, the Respondent reconsidered the decision and refused to revoke the deportation order on 8 January 2020. That is the decision under appeal. The Respondent’s decision included a certificate under section 72 of the Nationality, Immigration and Asylum Act 2002 (“the Section 72 Certificate”).
4. The Judge did not accept that the Appellant continues to present a danger to the community and therefore did not uphold the Section 72 Certificate. Following the limited grant of permission to appeal, the Respondent no longer challenges that finding. The Judge rejected the Appellant’s claim to be at risk in Iraq. He did not accept that there was any specific or generalised risk to him on return. The Appellant does not challenge that conclusion and therefore accepts that the appeal was rightly dismissed on asylum grounds. The Respondent does not challenge the allowing of the appeal on Article 8 grounds as permission was refused on that ground. The only ground before me following the limited grant of permission therefore relates to the allowing of the appeal on humanitarian protection grounds.
5. Permission to appeal was initially refused by Upper Tribunal Judge Martin as a First-tier Tribunal Judge on 6 October 2020 in the following terms so far as relevant:

“... 3. The grounds reflect displeasure with the result, because the appellant faced deportation for a sentence of 4 years in a YOI for dealing Class A drugs, rather than identifying an arguable error of law.

4. The decision is very detailed and carefully reasoned. The Judge’s finding on s.72 was entirely reasonable given that the offence was committed when the appellant was 15 (he is now 28) and he has not offended since his release in 2009.

5. The judge gave reasons for finding that the appellant, even were he to try, would be unable to obtain a CSID. While dismissing his asylum appeal, the Judge, on that basis found him entitled to humanitarian protection. I can discern no arguable error of law in the reasoning.

6. Further, given the length of time since his offence the Judge was entitled to find the appellant a reformed character and integrated in the UK.

7. Neither the grounds nor the Decision and Reasons disclose any arguable error of law.”

6. The application for permission to appeal was renewed to this Tribunal and came before Upper Tribunal Judge Canavan. The challenge to the Section 72 Certificate was rejected by her in the following terms:

“... 2. It is not arguable that the judge’s finding that the appellant did not constitute a danger to the community for the purpose of section 72 of the Nationality, Immigration and Asylum Act 2002 (NIAA 2002) was outside a range of reasonable responses to the evidence. Section 72 is said to reflect the exception to the principle of non-refoulement outlined in Article 33(2) of the Refugee Convention. It is not arguable that past offences are enough to justify removal if a refugee, as a matter of fact, does not present a current danger to the community. It was open to the judge to consider the fact that the appellant was a child when he committed the offence, the passage of time since the offence (13 years) and the fact that he had no further convictions. In any event, the point is immaterial because the judge went on to dismiss the appeal in so far as the appellant relied on the Refugee Convention.”

7. In relation to Article 8 ECHR, Judge Canavan rejected that ground in the following terms:

“... 3. The ground relating to Article 8 expresses disagreement with the judge’s evaluation of the evidence but fails to particularise any arguable errors of law that would have made any material difference to the outcome of the appeal. The judge referred to the correct legal test and considered all relevant matters. I note that had the UK Borders Act 2007 been in force at the date of his conviction, even for an offence attracting four years detention, the appellant would have come within the exception to deportation under section 33(3), which exempts a person from deportation if they were a child when convicted. The statutory scheme as it has stood since 01 August 2008 recognises that a person should not be deported in such circumstances. It was open to the judge to take into account the fact that the appellant was a child on the date of conviction and that he had not committed any further offences. The case law of the European Court has always taken into account the issue of whether a person has committed further offences and to that extent the decision in *RA* (s.117C; ‘unduly harsh’ ; offence; seriousness) *IRAQ* [2019] UKUT 000123 was inconsistent with exhortations from the senior

courts to follow Strasbourg principles: now see *HA (Iraq) v SSHD* [2020] EWCA Civ 1176. The judge considered the First-tier Tribunal decision from 2013 [75] but it was open to him to consider how the situation had developed in the intervening seven years. This approach was consistent with the *Devaseelan* principles and his obligation to consider the circumstances as they stood at the date of the hearing. It was open to the judge to consider the cumulative effect of all the appellant's circumstances when considering whether they outweighed the undoubtedly weighty public interest in deportation. It is not arguable that his findings were outside a range of reasonable responses."

8. Judge Canavan accepted however that the humanitarian protection grounds were arguable. She expressed her conclusion in the following way:

"... 4. The grounds also express disagreements with the judge's findings on the evidence relating to identity documentation. It was open to the judge to conclude that the appellant would not be familiar with his registration details given his young age when he left Iraq and that it was unlikely that his father or sister would be able to assist him given their significant mental health problems. Having heard evidence from the witnesses it was also open to the judge to conclude that the appellant has no current family connections in Iraq to assist him. However, it is at least arguable that the judge failed to explain why he concluded that the appellant's inability to obtain a relevant identity document entitled him to humanitarian protection 'as the law presently stands' [74] when nothing in *SMO (Article 15(c); identity documents) Iraq CG* [2019] UKUT 00400 appears to suggest that the mere fact that a person could not obtain a CSID or INID would found a claim for humanitarian protection. The judge had already assessed risk on return and concluded that the general conditions would not give rise to an Article 15(c) risk [68]. The judge's subsequent findings were made under the heading of 'Feasibility of Return' [69-74]. The Upper Tribunal in *SMO* made clear that an international protection claim cannot succeed by reference to any alleged risk of harm arising solely on account of feasibility of return: see *HF (Iraq) v SSHD* [2013] EWCA Civ 1276. Although it would have been open to the judge to conduct a 'sliding scale' assessment of all the circumstances, including the impact of the absence of identity documentation, but nothing in his finding at [74] suggests that approach. It is at least arguable that insufficient reasons were given to explain the finding that the appellant was entitled to humanitarian protection."

9. Judge Canavan made plain at [5] of her decision that permission was granted only on the humanitarian protection ground and refused on the Refugee Convention and Article 8 grounds. Although the notice of the decision does not record that this was a limited grant of permission, no point was taken by Ms Everett that the Respondent was entitled to continue to argue the grounds challenging the conclusion about the Section 72 certificate or Article 8 ECHR. I therefore confine my consideration to the humanitarian protection ground.
10. Judge Canavan directed that the error of law issue should be determined at a remote hearing absent objection from either party. No such objection was received. The hearing proceeded without any major technical difficulties. In accordance with the directions given by Judge Canavan, both parties have filed written submissions expanding upon their cases which were developed in oral submissions.

11. The matter comes before me to determine whether the Decision contains an error of law and, if I so conclude, to either re-make the decision or remit the appeal to the First-tier Tribunal to do so.

DISCUSSION AND CONCLUSIONS

12. Ms Everett pointed out at the outset that the Court of Appeal has remitted the appeal in SMO, KSP & IM (Article 15(c); identity documents) Iraq CG [2019] UKUT 00400 (IAC) ("SMO") by consent. However, Ms Everett confirmed my understanding that the appeal has been remitted on one very narrow point, namely whether the Tribunal was entitled to find that an appellant could be expected to recall the volume and page reference of his entry in the Family Book in Iraq. That is relevant to whether an appellant is able to obtain a replacement CSID (see [13] of the guidance in SMO). The point does not arise in this appeal as Judge Hembrough did not accept that the Appellant would be able to obtain a CSID ([73] of the Decision). Although that finding of fact was challenged in the grounds of appeal, it was not the reason why permission was granted (understandably in my view since it is merely a disagreement with the finding). Accordingly, the basis of the remittal of SMO has no bearing on this appeal, and I did not consider it in the interests of justice to adjourn the hearing. Ms Everett did not seek to persuade me otherwise.
13. The Judge's findings, reasoning and conclusion on the humanitarian protection issue appear at [69] to [74] of the Decision. In order to place in context the submissions made to me, I include the section of the Decision beginning with the Judge's findings and conclusion on the Refugee Convention claim:

"The Asylum Claim

57. ...

...

61. The Appellant is a Shia Muslim from southern Iraq. He came to the UK as a 10 year old child. The circumstances giving rise to the grant of his refugee status namely his father's claimed risk of persecution by reason of his support for the Dawa party have now ceased to exist.

62. It was recognised in SMO that a person who is westernised and perceived to be wealthy might be at risk. At paragraph 309 the Tribunal had this to say:

'Whilst we think it unlikely, on the evidence before us, that a returnee would be perceived as wealthy purely on account of having been in the UK, we do accept that those who are or are perceived to be wealthy are more likely to be at risk of being specifically targeted on that account. Being wealthy or being perceived as such is therefore a relevant characteristic for the purposes of the sliding scale assessment under Article 15(c) QD.'

63. At paragraph 134 of his report Dr George comments as follows:-

'In my view however the risk of kidnapping that Mr HJA could face in Iraq would not be high. While kidnapping remains a significant

phenomenon it is not as widespread as it was at the height of the sectarian civil war in 2006-8; and, in relation to the population as a whole, the numbers of kidnappings are small. I would add that while Mr HJA as a returnee from abroad would be perceived to be relatively well off, it is unlikely that he would be mistaken for a person of very substantial wealth.'

64. Whilst observing that what the Appellant has to establish is a 'real risk' and not a 'high risk' that he would be a victim of kidnapping having regard to the findings in SMO and the evidence before me in the round I have not been satisfied that the Appellant as a Shia Muslim would be at risk in Baghdad or in his home area of Diwaniya.
65. As regards the other risk categories identified in SMO there was no evidence that he had ever lived in any of the previously contested areas or that he or any member of his family had any association with or would be perceived to have had such an association. Nor was there evidence of political activity in the UK which may put him at risk on return.
66. I take account of the fact that latterly he has been diagnosed as suffering from depression but clearly he is able to function on a daily basis in the UK and to care for himself, his children and his father and sister. I find that his condition is not so severe as to put him at risk of adverse attention, nor would it prejudice his integration upon return. There was no evidence to the effect that he would be unable to access Sertraline in Iraq. I deal with barriers to integration when considering Article 8 below.
67. I find nothing in Dr George's report that would undermine the core findings in SMO as to risk on return generally and Article 15(c). The Appellant would be returned to Baghdad which is largely under Shia 'control' and in that regard I note what Dr George says about the prevalence of Shia militias operating in the city.
68. In sum I have not been satisfied to the requisite standard that on return to Baghdad the Appellant would be perceived as wealthy purely on account of having been in the UK for a protracted period or that he has any other immutable characteristics such as are likely to give rise to a real risk of persecution so as to engage the 1951 Refugee Convention. Nor have I been satisfied that there are substantial grounds for believing that on return to Baghdad, and solely on account of his presence there, he would face a real risk of being subjected to indiscriminate violence amounting to serious harm within the scope of Article 15(c) or that any such risk extends to his home area.

Feasibility of Return

69. No Iraqi national is returnable to Baghdad without a current or expired passport or a laissez passer. I accept that the Appellant has none of these documents. He came to the UK in 2002 as a 10 year old child. I accept his evidence that he has never been in possession of Iraqi identity documentation. His evidence which I accept was that he had travelled on his father's passport. There was no evidence as to the whereabouts of the same which will be long expired.

70. Given his age when he left Iraq I accept that the Appellant would not have any recall of the volume and page reference of the entry in the Family Book in Iraq to which reference is made at paragraph 13 of the headnote in SMO, if indeed he even knew of its existence. I accept the evidence that both his father and his sister have severe mental health issues and I find that these are likely to preclude them from assisting him in establishing his antecedents assume that they would be minded to do so, which cannot be taken as a given. I was told nothing about his brother but given that all of the family members arrived at the same time it is reasonable to assume that he would also be unable or even unwilling to provide assistance.
 71. The witnesses from whom I heard all seemed to me to be credible people. All were adamant that the Appellant has no family connection in Iraq. I also note what was said by Mr HM about his own parents' attempts to verify his Iraqi citizenship in Iraq which had proved fruitless.
 72. Whilst also noting that the Appellant has not made any enquiries of his own with the Iraqi Embassy in the UK, having regard to my experience in dealing with Appellants who have, I accept that his background is such that it would have been something of a *'waste of time'*.
 73. In sum I find that the Appellant has no means of obtaining a laissez passer and more importantly a CSID or INID from within the UK using Consular facilities. Even if it was the case that he could be returned to Baghdad he would have no means of obtaining a CSID or INID there within a reasonable time. He would have to travel to his home area and he could not do this without a CSID or INID. I accept that he has no family in Iraq who would be able to assist him in obtaining these documents.
 74. I find that he has no financial resources of his own and there was no evidence that anyone in the UK would be willing or able to assist him financially on return. He would be unable to work without the CSID or INID. In such circumstances as the law presently stands he is entitled to humanitarian protection."
14. Although as I have noted, the Court of Appeal has remitted the appeal to the Tribunal in SMO, that is on one narrow issue and does not affect the remainder of the guidance. I set out the parts of that guidance which are relevant to the issue I have to consider or to which I was taken as follows:

"A. INDISCRIMINATE VIOLENCE IN IRAQ: ARTICLE 15(C) OF THE QUALIFICATION DIRECTIVE

...

6. The living conditions in Iraq as a whole, including the Formerly Contested Areas, are unlikely to give rise to a breach of Article 3 ECHR or (therefore) to necessitate subsidiary protection under Article 15(b) QD. Where it is asserted that return to a particular part of Iraq would give rise to such a breach, however, it is to be recalled that the minimum level of severity required is relative, according to the personal circumstances of the individual concerned. Any such circumstances require individualised assessment in the context of the conditions of the area in question.

B. DOCUMENTATION AND FEASIBILITY OF RETURN (EXCLUDING IKR)

7. Return of former residents of the Iraqi Kurdish Region (IKR) will be to the IKR and all other Iraqis will be to Baghdad. The Iraqi authorities will allow an Iraqi national (P) in the United Kingdom to enter Iraq only if P is in possession of a current or expired Iraqi passport relating to P, or a Laissez Passer.

8. No Iraqi national will be returnable to Baghdad if not in possession of one of these documents.

9. In the light of the Court of Appeal's judgment in HF (Iraq) and Others v Secretary of State for the Home Department [2013] EWCA Civ 1276, an international protection claim made by P cannot succeed by reference to any alleged risk of harm arising from an absence of a current or expired Iraqi passport or a Laissez passer, if the Tribunal finds that P's return is not currently feasible on account of a lack of any of those documents.

10. Where P is returned to Iraq on a Laissez Passer or expired passport, P will be at no risk of serious harm at the point of return by reason of not having a current passport.

...

D. INTERNAL RELOCATION WITHIN GOI-CONTROLLED IRAQ

17. Where internal relocation is raised in the Iraqi context, it is necessary to consider not only the safety and reasonableness of relocation but also the feasibility of that course, in light of sponsorship and residency requirements in operation in various parts of the country. Individuals who seek to relocate within the country may not be admitted to a potential safe haven or may not be permitted to remain there.

18. Relocation within the Formerly Contested Areas. With the exception of the small area identified in section A, the general conditions within the Formerly Contested Areas do not engage Article 15 QD(b) or (c) or Article 3 ECHR and relocation within the Formerly Contested Areas may obviate a risk which exists in an individual's home area. Where relocation within the Formerly Contested Areas is under contemplation, however, the ethnic and political composition of the home area and the place of relocation will be particularly relevant. In particular, an individual who lived in a former ISIL stronghold for some time may fall under suspicion in a place of relocation. Tribal and ethnic differences may preclude such relocation, given the significant presence and control of largely Shia militia in these areas. Even where it is safe for an individual to relocate within the Formerly Contested Areas, however, it is unlikely to be either feasible or reasonable without a prior connection to, and a support structure within, the area in question.

19. Relocation to Baghdad. Baghdad is generally safe for ordinary civilians but whether it is safe for a particular returnee is a question of fact in the individual case. There are no on-entry sponsorship requirements for Baghdad but there are sponsorship requirements for residency. A documented individual of working age is likely to be able to satisfy those requirements. Relocation to Baghdad is likely to be reasonable for Arab Shia and Sunni single, able-bodied men and married couples of working age without children and without specific vulnerabilities. Other individuals are likely to require external support, ie a support network of members of his or her family, extended family or tribe, who are willing and able to provide genuine support. Whether such a support

network is available is to be considered with reference to the collectivist nature of Iraqi society, as considered in AAH (Iraq).

..."

15. The Respondent's case as put to me orally in short summary is that the Judge's conclusion at [74] of the Decision is contrary to the clear guidance in SMO at [9] of the headnote that a protection claim cannot be allowed on the basis of a lack of feasibility of return. Having found there to be no specific or generalised risk on return at [61] to [68] of the Decision (which findings are not challenged), the only factor which led the Judge to the conclusion on the humanitarian protection ground at [74] of the Decision can be the lack of documentation meaning that the Appellant cannot feasibly be returned to Iraq at the present time. The Respondent says that this is not sufficient reason based on the guidance in SMO.
16. The Appellant's written submissions seek to uphold the Decision. The Appellant points to evidence accepted by the Judge that the Appellant is suffering from depression, has no formal qualifications and no employment history in either the UK or Iraq and has no family in Iraq. The Appellant also points to the uncontested evidence about his relationships with his family members and his own children in the UK. Those latter relationships are in part the reason why his appeal was allowed on Article 8 grounds. They have no relevance to the humanitarian protection ground.
17. The Appellant also points out that lack of identity documentation is not relevant specifically to the feasibility of return but to the possibility of obtaining employment and services in Iraq. Without employment or financial support from the UK, Ms Niama points out, the Appellant would not be able to obtain accommodation or have any means of living. In essence, therefore, the Appellant's case is that what is said at [74] in the context of the finding that the Appellant would not be able to obtain a CSID within a reasonable time and would not have any other available means of support is sufficient reason to allow the appeal on humanitarian protection grounds.
18. The Appellant's written submissions and Ms Niama's oral submissions also focussed on what is said at [18] and [19] of the headnote in SMO. As Ms Everett submitted and I accept, paragraph [18] has no relevance to this case. The Appellant is from Southern Iraq and there is no suggestion of relocation within the formerly contested areas.
19. Paragraph [19] of the headnote is of greater relevance since it is there said that a "documented individual of working age" would be able to satisfy the sponsorship requirements for residency. It must be assumed from this statement that the converse also applies, namely that an undocumented individual would not be able to satisfy those requirements. Whilst I accept that, otherwise, the Appellant would appear to fall within the category of Shia single, able-bodied men, the lack of documentation would, as Ms Niama submits, mean that the Appellant would require other financial support in order to survive.

20. Unfortunately, neither representative took me to be the body of the decision in SMO. I have referred myself to what is said by the Tribunal in the section dealing with “Article 3 ECHR/ Article 15(b) QD” at [316] and following.
21. Of particular relevance to this appeal is what is said at [317] of the decision as follows:
- “317. The starting point for our consideration must be the respondent’s repetition, at [150] of her closing submissions, of her concession in previous cases that ‘it remains the position that a person returning to Iraq without either family connections able to assist him, or the means to obtain a CSID, may be at risk of enduring conditions contrary to Article 3 ECHR’. This section of our decision is therefore principally relevant to those who have or are able to obtain a CSID (or INID) within a reasonable time or have family members from whom they can secure assistance or support.”
22. The concession there made is not mentioned by the Respondent in her grounds for reasons which I will come to but there is no subsequent authority so far as I am aware which records that this concession has been withdrawn. It is highly likely (although not noted by Judge Hembrough) that the finding at [74] of the Decision that “as the law presently stands [the Appellant] is entitled to humanitarian protection” had this concession in mind.
23. Even if I am wrong about this, and having regard to the fact that the concession records only that a person who does not have a CSID and family support “may” be at an Article 3 risk rather than “is at risk”, I consider that the same conclusion can be reached in any event on the facts of this case and having regard to the respective positions of the parties.
24. First, the Judge has not allowed the appeal on humanitarian protection grounds based on the infeasibility of return. As [9] of the SMO guidance makes clear, the feasibility of return is connected to lack of passport or laissez passer. Second, although the possession of those documents has a bearing on the ability to obtain a CSID, the relevance of possession of a CSID has far wider implications in terms of ability to live day to day in Iraq. As Ms Niama submitted and I accept, the possession of a CSID enables an individual to access services, to obtain support or employment and therefore to find accommodation (see also [337] of SMO). Third, if an individual is unable to obtain support via the acquisition of a CSID, it follows that other support will be necessary to allow the individual to support himself, whether that is in his home area or elsewhere in Iraq (see [321] of SMO). Fourth, paragraph [19] makes clear that the reasonableness of relocation to Baghdad discloses the relevance of the documentation factor. Fifth, finally, therefore, the conclusion of the Judge that the inability to obtain a CSID coupled with the lack of family support is determinative of this aspect of the appeal is one which was undoubtedly open to him.
25. For those reasons, paragraph [74] of the Decision, brief though it is, makes the necessary findings in order to reach the conclusion that the appeal should be allowed on the humanitarian protection ground, namely that the Appellant will not be able to

obtain a CSID within a reasonable time and has no family members from whom he can otherwise secure assistance or support.

26. As I have previously indicated, the way in which this ground was pleaded differed substantially from that which was pursued orally, no doubt because of the basis on which permission was granted. Permission was not granted to argue the points which are raised in the pleadings. However, for completeness and since they are directed to the humanitarian protection ground, I deal with them.
27. The pleaded grounds at [4] to [6] merely argue that the Judge was not entitled to reach the findings he did about inability to obtain documentation and family support. First, it is said that the Judge was not entitled to find that the Appellant could not obtain a CSID because he had made no efforts to obtain documents from the Embassy. That is dealt with by the Judge at [72] of the Decision who clearly had that factor in mind when reaching his conclusion.
28. In relation to family support, it is said that the Judge was not entitled to find that the Appellant had no family members who could support him given the findings of the Judge in the 2013 determination of the Appellant's appeal (see [2] above). That finding is said to be that the Appellant still had family in Iraq. Whilst I would accept that the Judge does not make reference to the earlier appeal decision (which was not part of the Respondent's bundle in any event), the Judge had evidence recorded at [29] to [48] of the Decision about the current position, not just from the Appellant but also from other family members. The Judge was entitled to reach the conclusion which he did at [71] of the Decision based on that evidence that the Appellant does not have family members still in Iraq who could assist with the obtaining of documentation. The Judge dealt with the availability of support from the UK at [74] of the Decision on the basis that there was no evidence that anyone in the UK could financially support the Appellant. The grounds as pleaded are therefore merely disagreement with the findings made by the Judge which were open to him on the evidence.
29. For the foregoing reasons, I conclude that there is no error of law in the Decision and I uphold it.

DECISION

The Decision of First-tier Tribunal Judge Hembrough promulgated on 22 September 2020 does not involve the making of an error on a point of law. I therefore uphold the Decision with the consequence that the Appellant's appeal remains allowed on humanitarian protection (and Article 8) grounds. The appeal remains dismissed on protection (Refugee Convention) grounds.

Signed: *L K Smith*

Upper Tribunal Judge Smith

Dated: 18 March 2021