



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

Appeal Number: AA/00366/2013

THE IMMIGRATION ACTS

Heard at Field House

**On 8 July 2013
Prepared 8 July 2013**

**Determination
Promulgated
On 9 July 2013**

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Before

UPPER TRIBUNAL JUDGE MCGEACHY

Between

ALI SENUSSI

Appellant

and

SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Ms J. Wilding, of Counsel, instructed by Brighton Housing Trust

For the Respondent: Mr D. Hayes, Senior Home Office Presenting Officer

DETERMINATION AND REASONS

1. At the hearing of the appeal before me Mr Hayes agreed that there were material errors of law in the determination of the Judge of the First-tier in

that the Judge had made no findings on the documentary evidence provided: in particular he had not stated whether or not he found that the appellant's father's old diplomatic passport was genuine and therefore what that showed with regard to the appellant's father's involvement with the Gaddafi regime. He had not considered the other documentary evidence : the ID card from the Purification Committee and the Gratitude and Appreciation Certificate.

2. Findings regarding those documents and therefore the connection of the appellant's father with the Gaddafi regime are clearly relevant to the assessment of the appellant's claims as to what had happened in Libya and an assessment of the appellant's fear of return.
3. I therefore consider that this appeal should be re-heard afresh on all grounds and indeed that the requirements of the present Tribunal's Practice Statement at paragraph 7.2 are met.
4. For the above reasons I allow the appeal of the Secretary of State to the limited extent that it is remitted to the First-tier Tribunal to be heard afresh.
5. The appeal will be heard at Taylor House on 23 October 2013, 3 hours, North African Arabic interpreter.

Signed

Date

Upper Tribunal Judge McGeachy