



IAC-FH-AR-V1

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

Appeal Number: AA/07870/2014

**THE IMMIGRATION ACTS**

**Heard at Bradford  
On 21<sup>st</sup> October 2015**

**Decision & Reasons Promulgated  
On 29<sup>th</sup> October 2015**

**Before**

**UPPER TRIBUNAL JUDGE D E TAYLOR**

**Between**

**MASTER SAIFULDIN ABDULLAH  
(ANONYMITY DIRECTION NOT MADE)**

Appellant

**And**

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

Respondent

**Representation:**

For the Appellant: Mr T Hussain, Counsel, instructed by Halliday Reeves Law Firm

For the Respondent: Miss C Johnstone, Home Office Presenting Officer

**DECISION AND REASONS**

1. This is the Appellant's appeal against the decision of Judge Hindson made following a hearing at Bradford on 11<sup>th</sup> May 2015.

**Background**

2. The Appellant, a citizen of the Sudan, born on 22<sup>nd</sup> October 1997, arrived in the UK clandestinely on 6<sup>th</sup> June 2014. He claimed asylum ten days later and was refused on 22<sup>nd</sup> September 2014 on the grounds that the account which he gave of the events leading up to his departure from Sudan,

including an arrest and subsequent escape, was not credible. Additionally it was not accepted that he was a child.

3. The Judge also disbelieved his story. He referred to Mr Verney's report in respect of his adverse credibility findings. He also stated that he could rely on the report in relation to ethnicity, and said that even to his untrained eye the Appellant was clearly of black African rather than Arabic origin. He accepted that he was from the Funj tribe
4. He wrote as follows:

"Mr Verney opines that the Appellant, having previously been arrested, interrogated and escaped would be at risk on return. I am not satisfied that he has been arrested, interrogated or escaped and do not find that he would be at risk on return merely as a consequence of his ethnicity. Mr Verney does not go so far as to say that. On the Appellant's own evidence he has lived all of his life in Sudan with no such problems."
5. He referred to the case of AA (Non-Arab Darfuris relocation) Sudan CG UKAIT 00056 but found that this case dealt specifically with the position of Darfuris, which the Appellant is not.
6. The Appellant challenged that decision on the grounds that the Judge had provided inadequate reasoning so far as the Appellant's age was concerned and had not properly had regard to the expert report of Dr Peter Verney, which was before him when he made the decision.
7. Permission to appeal was initially refused but subsequently granted by Upper Tribunal Judge Perkins who said that he was particularly concerned that the First-tier Tribunal had not given proper reasons for rejecting the expert evidence.

### **Submissions**

8. Miss Johnstone told me that the position of the Presenting Officer at the hearing was that the Appellant's ethnicity would quickly come to light, which is correct. At paragraph 97 of the report Dr Verney states that the authorities in Sudan make it their business to establish a person's ethnic identity and origin and the security apparatus collects this kind of information routinely.
9. She acknowledged that, although the Appellant's nationality was accepted in the reasons for refusal letter, there was no engagement with his claim to be at risk on account of his ethnicity which was mistakenly referred to as the Fong tribe. She said that she had nothing to rebut Dr Verney's conclusions at paragraph 159 of his report. She had no objection to the decision being remade on the basis of the report.

### **Findings and conclusions**

10. Paragraph 159 states:

“The regime’s treatment of him will be the same as their treatment of a non-Arab Darfuri. It is carrying out the same military and security forces campaigns against the people of his tribe as it does against non-Arab Darfuris. He will be treated as a member of the ‘rebel’ opposition by reason of his ethnic identity alone, and will be at high risk of severe maltreatment in detention.”

11. The Judge erred in law in stating that Dr Verney did not believe that the Appellant would be at risk on return as a consequence of his ethnicity. It is clear from his report that that is exactly Dr Verney’s view.

**Decision**

12. The original Judge erred in law. His decision is set aside. It is remade as follows. The Appellant's appeal is allowed.
13. No anonymity direction is made.

Signed

Date

Upper Tribunal Judge Taylor