



**Upper Tribunal
(Immigration and Asylum Chamber)
PA/01545/2017**

Appeal Number:

THE IMMIGRATION ACTS

**Heard at Bradford
On 2 November 2017**

**Decision & Reasons
Promulgated
On 24 November 2017**

Before

UPPER TRIBUNAL JUDGE LANE

Between

**AHM
(ANONYMITY DIRECTION MADE)**

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Mr Hussain, instructed by Halliday Reeves Law Firm
For the Respondent: Mrs Pettersen, Senior Home Office Presenting Officer

DECISION AND REASONS

1. The appellant, AHM, is a male citizen of Libya. By a decision promulgated on 24 March 2017, the First-tier Tribunal (Judge Myers) dismissed the appellant's appeal against the refusal of asylum. That decision had been made by the Secretary of State on 31 January 2017. The appellant now appeals, with permission, to the Upper Tribunal.
2. I find that the decision should be set aside. The Upper Tribunal in *ZMM (Article 15(c)) Libya CG* [2017] UKUT 263 (IAC) found that any citizen of Libya is at risk there at the present time (Article 15(c)). I am aware that

Judge Myers promulgated her decision prior to the decision of the Upper Tribunal in *ZMM*. I am aware also that the evidence put before the Upper Tribunal in *ZMM* was more comprehensive than that provided to Judge Myers. However, it is clear, having considered the material that was before Judge Myers, that there was a strong case for concluding that humanitarian protection should be awarded to the appellant at the date of the First-tier Tribunal hearing. In my opinion, Judge Myers did not consider this evidence adequately in reaching her decision. I therefore set aside the judge's decision. I have remade the decision. In the light of the country guidance of *ZMM*, this appeal is allowed on humanitarian protection grounds.

Notice of Decision

3. The decision of the First-tier Tribunal which was promulgated on 24 March 2017 is set aside. I have remade the decision. The appellant's appeal against the decision of the Secretary of State dated 31 January 2017 is allowed on humanitarian protection grounds.

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 their 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.

Signed

Date 22 November 2017

Upper Tribunal Judge Lane

TO THE RESPONDENT FEE AWARD

No fee is paid or payable and therefore there can be no fee award.

Signed

Date 22 November 2017

Upper Tribunal Judge Lane