



**Upper Tribunal  
(Immigration and Asylum Chamber)  
RP/00025/2016**

**Appeal Number:**

**THE IMMIGRATION ACTS**

**Heard at Bradford**

**On 6 April 2017**

**Decision & Reasons  
Promulgated  
On 9 May 2017**

**Before**

**UPPER TRIBUNAL JUDGE CLIVE LANE**

**Between**

Appellant

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

**and**

**AWIL MOHAMAUD AHMED  
(ANONYMITY DIRECTION NOT MADE)**

Respondent

**Representation:**

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

**DECISION AND REASONS**

1. I shall refer to the appellant as the respondent and the respondent as the appellant (as they appeared respectively before the First-tier Tribunal. The appellant, Awil Mohamaud Ahmed was born on 3 May 1994 and is a male citizen of Somalia. He appealed against the decision dated 8 February 2016 to cease his protection status, to certify his asylum claim under Section 72 of the Nationality, Immigration and Asylum Act 2002 and to refuse his asylum, human rights and humanitarian protection claims. A decision was also made to deport the appellant under the provisions of Section 32 of the UK Borders Act 2007. The appellant had been convicted

of attempted robbery and sentenced to 32 months' imprisonment in consequence. The appellant appealed against the decisions to the First-tier Tribunal (Judge Shanahan) which, in a decision promulgated on 22 November 2016, allowed the appeal against the imposition of the Section 72 certificate and the cessation of protection and in respect of humanitarian protection. The Secretary of State now appeals, with permission, to the Upper Tribunal.

2. There is only one ground of appeal. An OASys report concerning the appellant and prepared after his conviction had concluded that the appellant was at low risk of reoffending but that, if he did reoffend in a violent manner, the risk of others in society suffering serious harm was high. The Secretary of State asserts that the judge's conclusion at [35] (*"Therefore, taking all of the evidence before me into account I am not satisfied the appellant does not constitute a danger to the community of the United Kingdom"*) took into account only the low risk of reoffending and failed to take into account the high risk of harm should reoffending occur.
3. I am not satisfied that the judge has erred in law for the reason asserted in the grounds of appeal or at all. There is no suggestion whatever that the judge has focused only on the risk of reoffending and has ignored the possibility of harm to others should reoffending occur. Indeed, at [33], the judge wrote, "[The author of the OASys Report] concluded that [the appellant's] risk of reoffending was low but if he did the consequences involved a high risk of harm to others." [35]. The judge recorded in detail the circumstances surrounding the formation of the OASys assessment including the fact that the offence was the appellant's first offence and that he had family members in the United Kingdom, including close family, who would provide support to him. The judge was also aware that the appellant had taken courses in prison to address his offending behaviour and had "acquired skills and qualifications to enable him to find employment." The judge made it entirely clear that he has taken into account "all of the evidence before me" before making a final assessment. Given that the judge has actually referred to the serious risk of harm should reoffending occur, I have no doubt at all that "all of the evidence" includes that risk; there is nothing in the grounds to justify the Upper Tribunal going behind the judge's statement. Furthermore, the judge's conclusion is not arguably perverse on the basis of all the evidence which was before the Tribunal but nor has the judge focused solely upon one factor in reaching his assessment; his assessment may properly be described as even-handed and holistic. The judge has reached a conclusion which he has supported by proper reference to relevant evidence. In the circumstances, the appeal is dismissed.

### **Notice of Decision**

This appeal is dismissed.

No anonymity direction is made.

Signed

Date 2 May 2017

Upper Tribunal Judge Clive Lane