



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

Appeal Numbers: AA/02585/2015
AA/03058/2015
AA/03065/2015
AA/03068/2015
AA/03073/2015

THE IMMIGRATION ACTS

**At Field House
On 20 March 2018**

**Decision & Reasons Promulgated
On 22 March 2018**

Before

UPPER TRIBUNAL JUDGE BRUCE

Between

AR and Others

and

Secretary of State for the Home Department

Appellant

Respondent

DECISION AND REASONS

1. The linked appeals of AR and his family were heard by Upper Tribunal Judge C. Lane on the 5th April 2017. Judge Lane, in his decision of the 24th April 2017, found the decision of the First-tier Tribunal (Judge Caswell) to contain an error of law such that it must be set aside. The error was in the First-tier Tribunal's approach to the question of Article 15(c), and specifically whether Judge Caswell had dealt properly with the country background evidence on Libya. The appeals were then adjourned pending the promulgation of the Upper Tribunal's decision in the country guidance on this matter.

2. The country guidance case of ZMM (Article 15(c)) Libya CG [2017] UKUT 00263 (IAC) was published on the 29th June 2018. The material guidance is:

“The violence in Libya has reached such a high level that substantial grounds are shown for believing that a returning civilian would, solely on account of his presence on the territory of that country or region, face a real risk of being subject to a threat to his life or person.”

3. On the 13th March 2018 I gave directions in the following terms:

“In light of the country guidance in ZMM (Libya) it would appear that the Appellants should all succeed on Article 15(c) grounds. Unless the Tribunal receives, no later than 4pm on the 19th March 2017, submissions to the contrary or a request for a further oral hearing, the appeal will be allowed on that basis without a further hearing”

To date no representations have been received.

4. I find that the Appellants are all nationals of Libya. Applying the guidance in ZMM (Article 15(c)) Libya CG [2017] UKUT 00263 (IAC) their linked appeals are each allowed on protection grounds.

Anonymity

5. These linked appeals concerns claims for international protection. Having had regard to Rule 14 of the Tribunal Procedure (Upper Tribunal) Rules 2008 and the Presidential Guidance Note No 1 of 2013: Anonymity Orders I therefore consider it appropriate to make an order in the following terms:

“Unless and until a tribunal or court directs otherwise, the Appellants are granted anonymity. No report of these proceedings shall directly or indirectly identify any of the Appellants or any member of their family. This direction applies to, amongst others, both the Appellants and the Respondent. Failure to comply with this direction could lead to contempt of court proceedings”

Decisions

6. The appeals are allowed on protection grounds.
7. There is an order for anonymity.

Upper Tribunal Judge Bruce
20th March 2018