



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

Appeal Number: PA/08711/2017

THE IMMIGRATION ACTS

**Heard at Bradford
On 11 December 2019**

**Decision & Reasons Promulgated
On 24 December 2019**

Before

UPPER TRIBUNAL JUDGE HANSON

Between

**MAI
(anonymity direction made)**

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Mrs C Lugman a solicitor with Batley Law

For the Respondent: Mr M Diwnycz Senior Home Office Presenting Officer.

DECISION AND REASONS

1. On 14 April 2018 a judge of the First-Tier Tribunal dismissed the appeal of this appellant, a citizen of Sudan, on all grounds.
2. On 8 March 2019 a Deputy Judge of the Upper Tribunal found error of law material to the decision to dismiss the appeal and set aside the earlier decision.

3. The relisting of the appeal was stayed pending the outcome of the latest country guidance concerning Sudan.
4. Rather than there being country guidance a reported decision of the Upper Tribunal has been published, AAR & AA (Non-Arab Darfuris - return (Sudan) [2019] UKUT 282, the head note of which reads: *“The situation in Sudan remains volatile after civil protests started in late 2018 and the future is unpredictable. There is insufficient evidence currently available to show that the guidance given in AA (non-Arab Darfuris - relocation) Sudan CG [2009] UKAIT 00056 and MM (Darfuris) Sudan CG [2015] UKUT 00010 (IAC) requires revision. Those cases should still be followed.”*
5. The First-Tier Tribunal record at [3] of the earlier decision:

“In summary, he claims fear of return to Sudan on account of his ethnicity and imputed political opinion. The Respondent accepts that the Appellant is from a non—Arab Darfuri tribe and could not safely return Darfur but avers that he could reasonably relocate to Khartoum. His account of being arrested and detained is not accepted.”
6. The current country guidance cases establish that in light of the appellant’s ethnicity he will face a real risk on return. The developments in 2018 significantly altered the perception that the situation in Sudan had entered a period of stability where return of those such as the appellant may have been warranted. It was accepted before the Upper Tribunal that in light of the current situation the appellant was entitled to succeed with his application for international protection at this time.

Decision

7. **I remake the decision as follows. This appeal is allowed.**

Anonymity.

8. The First-tier Tribunal made an order pursuant to rule 45(4)(i) of the Asylum and Immigration Tribunal (Procedure) Rules 2005.

I make such order pursuant to rule 14 of the Tribunal Procedure (Upper Tribunal) Rules 2008.

Signed.....
Upper Tribunal Judge Hanson

Dated the 12th December 2019