



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

Appeal Number: PA/11844/2017

THE IMMIGRATION ACTS

**Heard at Manchester Civil Justice Centre
On 27th August 2019**

**Decision & Reasons Promulgated
On 4th September 2019**

Before

UPPER TRIBUNAL JUDGE COKER

Between

SECRETARY OF STATE FOR THE HOME DEPARTMENT

Appellant

And

AM

(anonymity order made)

Respondent

Representation:

For the Appellant: Mr Tan, Senior Home Office Presenting Officer
For the Respondent: Ms Faryl, instructed by GMIAU

DETERMINATION AND REASONS

Pursuant to Rule 14 of the Tribunal Procedure (Upper Tribunal) Rules 2008 (SI 2008/269) I make an anonymity order. Unless the Upper Tribunal or a Court directs otherwise, no report of these proceedings or any form of publication thereof shall directly or indirectly identify the appellant in this determination identified as AM. This direction applies to, amongst others, all parties. Any

failure to comply with this direction could give rise to contempt of court proceedings

1. In a decision promulgated on 8 August 2018 I set aside the decision of First-tier Tribunal judge Alis: who had allowed the appeal by AM against a decision of the respondent refusing his international protection claim. At the time it was anticipated that the Upper Tribunal would hear and determine other appeals as a Country Guidance; the resumed hearing of this appeal was adjourned pending the outcome of the Country Guidance Cases.
2. The Country Guidance Panel, with the agreement of the SSHD, concluded that the situation in Sudan was too fluid for there to be a meaningful decision reached and therefore declined to reach a Country Guidance decision; extant CG case law to be followed.
3. Before me, given the concession by the SSHD, Mr Tan acknowledged that he would have difficulty identifying reasons why the extant CG case law should not be followed for this appeal. Although not conceding the appeal he did not pursue it.
4. In the circumstances I am satisfied that the appeal by AM against the decision of the SSHD to refuse him asylum is to be allowed.

Conclusions:

The making of the decision of the First-tier Tribunal did involve the making of an error on a point of law.

I set aside the decision of the First-tier Tribunal.

I re-make the decision in the appeal by AM against the decision of the SSHD refusing his international protection claim allowing it.

Anonymity

I continue/ the anonymity order (pursuant to rule 14 of the Tribunal Procedure (Upper Tribunal) Rules 2008).

Date 27th August 2019



Upper Tribunal Judge Coker