



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

**Appeal Number: AA/06072/2013**

**THE IMMIGRATION ACTS**

**Heard at Manchester  
On 22<sup>nd</sup> July, 2014  
Signed 22<sup>nd</sup> July, 2014**

**Determination Sent**

**Before**

**Upper Tribunal Judge Richard Chalkley,**

**Between**

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

Appellant

**And**

**MOHAMED BSOLAH ELHABIB ABOSALAH**

Respondent

Representation

For the appellant:  
For the respondent:  
Officer.

Ms Patel of Counsel  
Ms Johnson a Home Office Presenting  
Officer.

**DETERMINATION AND REASONS**

1. The appellant is a Liberian citizen of Touareg ethnicity from the south of Libya, who was born on 14th January, 1978. On 27<sup>th</sup> December, 2008 he was granted leave to enter the United Kingdom as a student, expiring on 29<sup>th</sup> October, 2009. He

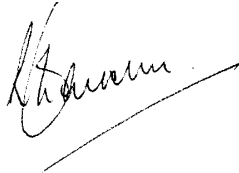
then entered the United Kingdom in March 2009 for a relatively brief sojourn. On 26<sup>th</sup> October, 2009 he was again granted leave to enter the United Kingdom as a student, expiring on 30<sup>th</sup> December, 2010. Subsequently, he entered the United Kingdom on 1<sup>st</sup> December, 2009. His movements and whereabouts during the following year are unclear. On 25<sup>th</sup> January, 2011 he was granted leave to enter the United Kingdom for a third time, again as a student, expiring on 31<sup>st</sup> October, 2011. On 27<sup>th</sup> January, 2011, he flew from Libya to the United Kingdom. Having made a timeous application for extended leave to remain in the United Kingdom , as a student, his leave was extended to 30<sup>th</sup> March, 2013. On 31<sup>st</sup> March, 2013, his leave to remain having expired, he claimed asylum.

2. The claimant claimed that he was at risk on return to Libya because he had been a member of Colonel Gaddafi's Revolutionary Guard between 1999 and 2007 and because as an ethnic Touareg he would in any event be perceived on return to Libya as having been pro-Gaddafi.
3. The appellant's claim for asylum was refused by the Secretary of State for the Home Department and the appellant appealed to the First Tier Tribunal. His appeal was heard by First Tier Tribunal Judge JDL Edwards and dismissed in a determination promulgated following a hearing in Manchester on 29<sup>th</sup> July, 2013. That decision was set aside by the Upper Tribunal (The President, The Hon Mr Justice McCloskey, sitting with Upper Tribunal Judge Perkins) in a determination promulgated on 30<sup>th</sup> October 2013, because of the failure of the First Tier Tribunal Judge to properly address the country evidence, make an assessment of it and make his findings accordingly.
4. On 14<sup>th</sup> July, 2014 the Country Guidance case of *AT and Others (Article 15c; risk categories) (CG)* [2014] UKUT 318 (IAC) was published.. That decision makes it clear (*at paragraphs 174 to 177*) that persons of Touareg ethnicity are at real risk of persecutory ill-treatment and Article 3 harm on return to Libya and that there would be no sufficiency of protection or viable option of internal relocation for them.
5. Ms Johnson, the Home Office Presenting Officer advised me that in view of the decision in *AT*, the appellant is entitled to the grant of asylum and invited me to prepare a brief determination recording that fact.
5. I am satisfied that Ms Johnson was entirely correct to agree that the respondent was entitled to have his appeal allowed in all the circumstances. I indicated that I would prepare this short determination recording the agreement between the parties and allowing the respondent's appeal.

6. The determination of First Tier Tribunal Judge JDL Edwards having earlier been found to contain errors on points of law and set aside, my decision is that **the respondent's appeal be allowed.**

**Decision**

**This appeal is allowed.**

A handwritten signature in black ink, appearing to read 'Chalkley', with a long horizontal flourish extending to the right.

**Senior Immigration Judge Chalkley**