



Upper Tribunal  
(Immigration and Asylum Chamber)

Appeal Number: AA/08259/2015

**THE IMMIGRATION ACTS**

Heard at Newport (Columbus House)  
On 31 May 2017

Decision & Reasons Promulgated  
On 22 June 2017

Before

**UPPER TRIBUNAL JUDGE GRUBB**

Between

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

and

Appellant

**N O T**

**(ANONYMITY DIRECTION MADE)**

Respondent

**Representation:**

For the Appellant: Mr D Mills, Senior Home Office Presenting Officer  
For the Respondent: Ms U Dirie instructed by Migrant Legal Project Cardiff

**DECISION AND REASONS**

1. Pursuant to Rule 14 of the Tribunal Procedure (Upper Tribunal) Rules 2008 (SI 2008/2698) I make an anonymity order. Unless the Upper Tribunal or Court directs otherwise, no report of these proceedings shall directly or indirectly identify the respondent ("NOT"). This direction applies to both the appellant and to the

respondent and a failure to comply with this direction could lead to Contempt of Court proceedings.

### **Introduction**

2. The respondent (whom I will hereafter refer to as the “claimant”) is a citizen of South Africa who was born on 21 October 1979. She came to the United Kingdom on 2 December 2007 with entry clearance as a working holidaymaker. Her leave was valid until 20 January 2008.
3. Whilst in the UK, in September 2006 the appellant met “V”, a South African citizen who had been in the UK since 2006 with leave as a working holidaymaker. They dated and over time their relationship developed.
4. In December 2006, the claimant returned to South Africa to spend Christmas with her family but did not tell them about V as the relationship was not yet serious. Having returned to the UK, the claimant again returned to South Africa in October 2007 in order to renew her passport. While she was in South Africa she told her older sister about her relationship with V. This included that the claimant and V were from different tribes. Her family did not react well and her uncle (her father had died when she was a baby) forbade her to marry V. The claimant returned to the UK in December 2007. The claimant and V began to live together and the claimant became pregnant. Their daughter (“X”) was born on 26 May 2012.
5. Prior to X’s birth her family learnt that she was pregnant and she received threats from her family. One of her uncles threatened to kill V and behead X if they returned to South Africa. Before the birth of X, the claimant’s mother advised her to terminate the pregnancy. Efforts by V’s family to negotiate, through the customary practise of *Lobola* by paying damages for the dishonour of the inter-tribal relationship and pregnancy, failed. Thereafter, the claimant remained in the UK.
6. The claimant and V had a second child, a son “Y” who was born in the UK on 12 January 2016.
7. Both the claimant and V had leave, as I have already indicated, as working holidaymakers and their leave was due to expire in or around 2008. Towards the end of their respective periods of leave, the claimant and V took legal advice from a solicitor and they were subsequently issued with letters (dated respectively 10 June 2008 and 14 July 2008) which purported to grant each of them indefinite leave to remain (“ILR”) with effect from 10 June 2008.
8. They had been referred to the solicitor by a friend. In December 2012, that friend was stopped at Heathrow Airport on her way to South Africa and was told that the ILR stamp in her passport was a forgery. She informed the claimant and V who then sought advice from a different legal representative. They reported the matter to the police and were in contact with their local Member of Parliament. In early 2014, they received confirmation that their ILR stamps were also forgeries. At that time, both

the claimant and V were in employment but, as a result of the ILR stamps being forgeries, they ceased work immediately.

9. On 14 May 2014, the claimant claimed asylum. She did so on the basis that she and her family were at risk on return to South Africa from her uncle who had threatened to kill V and behead their daughter, X.
10. On 23 April 2015, the Secretary of State refused the claimant's claims for asylum, humanitarian protection and under Art 8 of the ECHR.

### **The Appeal**

11. The claimant appealed to the First-tier Tribunal. Judge Lebaschi allowed the claimant's appeal on asylum grounds. First, she accepted that there was a real risk of persecution to the claimant in her home area on the basis of the threats from her family in South Africa, in particular her uncle. The judge found that the threats from her uncle "remain live/current". Secondly, the judge found that she would not obtain a 'sufficiency of protection' from the South African authorities. Thirdly, the judge found that the appellant could not reasonably be expected to relocate within South Africa to a different urban area from her home area (as was proposed by the Secretary of State) because there was a real risk that her location would be discovered by her family, in particular through social media contact.
12. The Secretary of State sought permission to appeal to the Upper Tribunal which was granted by the First-tier Tribunal (Judge Kinnell) on 30 August 2016.
13. The appeal in the Upper Tribunal was initially listed before DUTJ Davey. He rejected the Secretary of State's first ground that the judge had erred in law in finding that there was an insufficiency of protection available in South Africa. However, he accepted the Secretary of State's second ground was made out, namely that the judge had erred in law in concluding that the claimant could not internally relocate which he found was inadequately reasoned. Judge Davey's reasons are set out in full in his decision dated 3 April 2017 and I do not repeat them here. As a result, Judge Davey adjourned the hearing in order that a resumed hearing could take place in the Upper Tribunal to remake the decision in respect of the claimant's asylum appeal. The only outstanding issue was that of internal relocation.
14. Subsequently, a transfer order was made and the resumed hearing was listed before me on 31 May 2017.

### **The Resumed Hearing**

15. It was common ground between Ms Dirie, who represented the claimant and Mr Mills who represented the Secretary of State that the two issues I have to determine are:
  - (1) Whether the claimant could be expected to internally relocate in South Africa - if she could not her claim for asylum succeeded; and

- (2) Whether her return to South Africa would breach Art 8 of the ECHR.
16. Ms Dirie sought to admit in evidence a further bundle of documents under rule 15(2A) of the Tribunal Procedure (Upper Tribunal) Rules 2008 to which Mr Mills raised no objection.
17. The principal evidence relied upon consisted of two statements from the claimant dated 10 May 2016 (at A1-A6 of the FtT bundle) and 22 May 2017 (at A1-A3 of the UT bundle) and her oral evidence before me; the statement of V dated 10 May 2016 (at A7-A8 of the FtT bundle); and a letter from V's aunt dated 23 September 2014 (at A9-A14 of the FtT bundle) and her witness statement dated 22 May 2017 (A4-A5 UT bundle). The bundle also contained a number of documents dealing with the claimant and her children's circumstances in the UK together with documents relating to the Facebook activity of the claimant, V and V's aunt.

### **Internal Relocation**

18. It was accepted by both representatives that the sole issue in respect of the claimant's asylum claim was whether she could be expected to internally relocate to another part of South Africa away from her home area of Sebokeng. Although Mr Mills did not restrict this option, in his submissions, to another urban area in South Africa that was clearly a limitation envisaged by the Secretary of State in her decision letter. At para 77, the Secretary of State concluded that: "It would be reasonable for you to stay in Pretoria, Cape Town or Durban." The submissions, however, focused on the claimant's evidence concerning what, if any, risk there was to her and her family on return in the urban areas of Johannesburg, Pretoria, Durban and Cape Town.

#### *The Law*

19. The internal relocation requirement is set out in para 339O of the Immigration Rules (HC 395 as amended) as follows:
- "339O. (i) The Secretary of State will not make:
- (a) a grant of asylum if in part of the country of origin a person would not have a well founded fear of being persecuted, and the person can reasonably be expected to stay in that part of the country; or
- (b) ....
- (ii) In examining whether a part of the country of origin or country of return meets the requirements in (i) the Secretary of State, when making his decision on whether to grant asylum or humanitarian protection, will have regard to the general circumstances prevailing in that part of the country and to the personal circumstances of the person.
- (iii) (i) applies notwithstanding technical obstacles to return to the country of origin or country of return."

20. Two issues arise in the context of internal relocation. First, it will not be reasonable to expect an individual to return to a different part of their own country where the very risk that they fear arises elsewhere. That issue was at the heart of the claimant's case. Second, it will not be reasonable to expect an individual to relocate if it would be "unduly harsh" to expect them to do so. That test imposes a high threshold but it does not require that it be established that the risk of persecution or serious ill-treatment contrary to Art 3 of the ECHR would arise elsewhere in the country of origin (see SSHD v AH (Sudan) [2007] UKHL 49 at [9] per Lord Bingham). In determining whether internal relocation would be "unduly harsh" all the circumstances must be considered including the availability of medical care, the ability to earn a living and find accommodation, particular account must be taken of family links, ethnic affiliations, the ability to live a life at least at subsistence level and whether support might be forthcoming from sources in the country of origin or abroad (see Januzi v SSHD [2006] UKHL 5).

*The Evidence*

21. The claimant's evidence was that she could not live in any of these urban areas without being at risk from her family.
22. First, she could not live in Johannesburg as that was only about 30 minutes from Pretoria where V's family lived and if they returned to Pretoria that would put his family at risk as well.
23. Second, she could not live in Cape Town because a cousin lived and worked there and that was thirdly, also true of Durban. The claimant said she ran the risk of running into one of them which would lead back to her uncle knowing where she was.
24. The claimant's evidence was that she was active on social media and had over 800 friends who, in turn, had others. Her evidence was that she could not be expected forever not to use social media. Even if she did, that would raise a suspicion and her presence in South Africa might then be discovered also. Further, her daughter X, who is 6 years old, used social media to keep in contact with family. The claimant said that, in effect, she and her family would have to go into isolation to avoid detection via social media. Further, if she were to bump into someone who knew her she would have to warn them not to put any mention of her on social media. It would, she said, mean that she would have to tell everyone that she was not free. She did not consider that she could stop X from ever using social media. Further, she would have to cut off links with her family and her daughter would have to stop living a "social life" if they went back to South Africa. The claimant would have to not attend social events which might lead to information being put on social media which would lead to her discovery by her family in South Africa.
25. The claimant said that in addition to relatives or others identifying her, her uncle owned a taxi business which ran throughout South Africa and she believed that she might be identified by a driver which, again, would lead back to her uncle.

26. In addition, the claimant said that V's aunt was a high profile member of society working for a national sporting organisation. She was a very social person and was always posting on social media. She did not believe that, even if they asked V's aunt not to mention them, that she could keep that quiet in the long run.
27. The claimant said that if she returned to South Africa she would have to "look over [her] shoulder". She said that she could not control how others used Facebook; she could not control everybody else and feared that someone would disclose her presence in South Africa, not through any ill will but, in effect, inadvertently.
28. The evidence of the claimant was supported by V and his aunt and it is not necessary to set their evidence out here which was not challenged by Mr Mills.

#### *The Submissions*

29. Mr Mills accepted, as Judge Lebaschi had done, that the appellant had an objective fear in her home area. He also accepted that she had a subjective fear elsewhere but submitted that fear was not objectively well-founded. He submitted that it was speculative that her presence in other urban areas such as Pretoria where only V's family lived or in Durban and Cape Town where only a cousin lived created a real risk of being discovered. He submitted that it was simply not credible that taxi drivers across the country would know her and pass that information on to her uncle. He submitted that the claimant could be expected to desist from social network activity and reduce her social life, for example by not attending family events such as weddings. He submitted that this was not a fundamental right as recognised in HJ (Iran) v SSHD [2010] UKSC 31 and RT (Zimbabwe) v SSHD [2012] UKSC 38 for sexual orientation or political opinion and she could be expected to limit her social activity, if necessary, for the rest of her life. That did not make her, he submitted, a refugee.
30. Ms Dirie submitted that the evidence was that the claimant had uncles living in the Cape and in Johannesburg and so she could not return there safely. She could not be expected to return to Pretoria because her partner's family in Pretoria who would be at risk and that she had cousins living in Durban and Cape Town. Further, her social media activity was an intrinsic part of her life and it would arouse suspicion if she stopped actively using it. Ms Dirie submitted that I should find that her uncles and cousins kept an eye on her Facebook pages as was accepted by the First-tier Tribunal. Whilst the use of social media was, Ms Dirie accepted, not a fundamental right or freedom like political opinion or religion, nevertheless it was an intrinsic part of how one expressed oneself and would effectively lead to social isolation for her, her partner and children.

#### *My Findings and Conclusion*

31. I found the claimant to be an entirely convincing witness whose evidence was not shaken or undermined in any significant way by cross-examination. There is no doubt that she has a genuine subjective fear based upon the risk from her uncle contained in his threats to kill V and behead their daughter X. That risk has been

found to be objectively well-founded in her own area. Further, it is accepted that there is no sufficiency of protection against that threat if it were to eventuate anywhere in South Africa. On the other hand, leaving aside the issue of social media, whilst I accept the subjective fear of the claimant, her fear that she will be identified in, for example, a major South African city such as Durban or Cape Town because she has a cousin or cousin who work there and they might “bump into” her or her family is, in my judgment, speculation given that the respective populations of those two cities is over two million. Likewise, although it is only 30 minutes from Johannesburg where one of her uncles lives, Pretoria has a population of over one million. On that evidence alone, I would not be satisfied that there was a real risk that she would be identified and, therefore, as a consequence at risk from her uncle(s). I also do not accept that her presence is likely to become known through her uncle’s taxi business. There is no realistic prospect that some unidentified employee of her uncle would, if she were to ride in one of his taxis, identify the claimant and therefore be in a position to report it back to her uncle.

32. However, that is not the totality of the evidence in this case. In my judgment, if the claimant continues (or her daughter continues) to use social media if they return to South Africa there is a real risk that her presence and location will come to the notice of her uncles whom Judge Lebaschi accepted had a continuing interest in finding the claimant. The only way to avoid this risk would be to desist from all social media activity.
33. I accept Mr Mills’ submission, which in any event Ms Dirie acknowledged was correct, that any right to engage in social interaction through social media was not a fundamental right akin to those recognised in HJ (Iran) and RT (Zimbabwe) of political opinion, religious belief or sexual identity. Nevertheless, it is undoubtedly a central part of many individuals’ human existence across the world today. It is a form of self expression or part of an individual’s right to develop and maintain personal relationships that, in my judgment, falls within the protected area of “private life” under Art 8 of the ECHR. It falls in my judgment within the scope of Art 8 as identified by the Strasbourg Court in Pretty v UK (2002) 35 EHRR 1 at [61]:

“As the Court has had previous occasion to remark, the concept of “private life” is a broad term not susceptible to exhaustive definition. It covers the physical and psychological integrity of a person (see *X and Y v. the Netherlands*, judgment of 26 March 1985, Series A no. 91, p. 11, § 22). It can sometimes embrace aspects of an individual’s physical and social identity (see *Mikulic v. Croatia*, no. 53176/99, § 53, ECHR 2002-I). Elements such as, for example, gender identification, name and sexual orientation and sexual life fall within the personal sphere protected by Article 8 (see, for example, *B. v. France*, judgment of 25 March 1992, Series A no. 232-C, pp. 53-54, § 63; *Burghartz v. Switzerland*, judgment of 22 February 1994, Series A no. 280-B, p. 28, § 24; *Dudgeon v. the United Kingdom*, judgment of 22 October 1981, Series A no. 45, pp. 18-19, § 41; and *Laskey, Jaggard and Brown*, cited above, p. 131, § 36). Article 8 also protects a right to personal development, and the right to establish and develop relationships with other human beings and the outside world (see, for example, *Burghartz*, cited above, opinion of the Commission, p. 37, § 47, and *Friedl v. Austria*, judgment of 31 January 1995, Series A no. 305-B, opinion of the Commission, p. 20, § 45). Although no previous case has established as such any right to self-determination as being contained in Article 8 of the Convention,

the Court considers that the notion of personal autonomy is an important principle underlying the interpretation of its guarantees.”

34. That, in my judgment, reflects the importance to many individuals’ well-being and existence – no better evidenced in modern day life than by widespread (sometimes obsessive) use of social media – of inter-personal communication and contacts with other human beings. It is a highly relevant factor in determining whether the claimant and her family can be expected to desist from any communication or contact in South Africa.
35. Whilst it might be reasonable to expect an individual to desist temporarily or for a short period of time from social media activity as part of their everyday personal life, it would not be reasonable to require the claimant, V and her daughter to desist for the rest of their lives whilst living in South Africa. That, in my judgment, is unescapably unreasonable as it would impose an unacceptable diminution in the living conditions of the claimant and her family on return. It would also impose unrealistic burdens upon the claimant to require (or practically ensure) others never to disclose her presence in South Africa, including friends, V’s aunt and anyone with whom she or her family interacted in South Africa. The claimant and her family would, of necessity, have to become socially isolated avoiding events that might lead to social media exposure by others over whom she would have no effective control. The ‘snowball’ effect of social media posting is self-evident in the modern world. Everybody’s business becomes public property once posted and in large measure is then beyond the effective control of the individual.
36. Taking into account all the evidence, I find that there is a real risk that the claimant’s presence in South Africa would be discovered and come to the attention of her uncle(s) unless (which cannot reasonably be expected of her), the claimant and her family desist from social media and other social interactions. In any event, even if they did desist, the claimant and her family would live in the shadow of the fear that their presence and identity might be inadvertently disclosed and her uncles discover her presence putting V and X in danger.
37. Taking all these matters into account, I am satisfied that it would be unreasonable and unduly harsh to expect the claimant (with her family) to live in these circumstances in another urban area in South Africa. Although Mr Mills did not pursue with any vigour the possibility of internal relocation to a rural area (which was not relied upon in the refusal letter) I am satisfied, in any event, that it would be unreasonable to expect the claimant and her husband who come from an urban existence to live in rural South Africa with their children.
38. For these reasons, I accept that the claimant cannot reasonably be expected to relocate within South Africa and consequently her claim for asylum succeeds.

## **Article 8**

39. That, then, leaves the claimant’s claim under Art 8 of the ECHR.



40. In applying Art 8, I apply the 5-stage test set out in Razgar [2004] UKHL 27.
41. First, I accept that the claimant and her family have established private and family life in the UK. If returned to South Africa they will be forced into social isolation including taking away their present ability to remain in contact with their family in South Africa by social media. That will, as I found earlier, have a significant impact upon the claimant, her partner and children (the latter increasingly as they grow older). I am, therefore, satisfied that the claimant's removal to South Africa will sufficiently interfere with her private and family life and those of her family members (who also must be considered applying Beoku-Betts v SSHD [2008] UKHL 39) so as to engage Art 8.1. Indeed, Mr Mills did not seek to argue otherwise.
42. Turning to Art 8.2, the claimant's removal will clearly be for a legitimate aim, here characterised as the effective control of immigration (see s.117B(1) of the NIA Act 2002). That removal will be in accordance with the law. The crucial issue is whether the public interest requires the claimant's removal.
43. That issue requires a fair balance to be struck between the rights and interests of the claimant and her family and the interests of the community represented by the public interest (see Razgar at [20] *per* Lord Bingham; R(Agyarko and another) v SSHD [2017] UKSC 11 at [60] *per* Lord Reed).
44. In reaching any conclusion, the best interests of the claimant's children are a primary but not determinative consideration (see ZH (Tanzania) v SSHD [2011] UKSC 4 and Zoumbas v SSHD [2013] UKSC 74, especially at [10]).
45. I begin with para 276ADE(1)(vi) relied upon by the claimant. In order to succeed, it must be established that there are "very significant obstacles" to her reintegration into South Africa.
46. Ms Dirie invited me to find that the claimant's circumstances on return to South Africa meant that there were "very significant obstacles" to her reintegration and so she succeeded under para 276ADE(1)(vi) of the Rules. Mr Mills submitted that the test under para 276ADE(1)(vi) was a high one and, following Trebbhawon and Others (NIAA 2002 Part 5A - compelling circumstances test) [2017] UKUT 13 (IAC), that test was not established by "mere hardship, mere difficulty, mere hurdles, mere upheaval and mere inconvenience, even where multiplied" when living in that country and was more or less, to use his words, "on a par" with the test of undue harshness.
47. I accept that the test of "very significant obstacles" imposes a 'high' hurdle for a claimant to establish. I have already set out above the circumstances of the claimant and her family if returned to South Africa (see above). Whilst there is no doubt that they would be able to obtain employment, find accommodation and live in an urban environment in South Africa, they would do so in the circumstances of social isolation that I have identified earlier when considering the issue of internal relocation. That isolation is, in my judgment, the very antithesis of "integration" in South African society. There are, in my judgment, "very significant obstacles" to

them living in any other way in order to avoid the risk to them from the claimant's uncles in South Africa. The circumstances of the claimant on return, in my view, fall within para 276ADE(1)(vi).

48. For that reason the claimant is entitled to succeed under Art 8 as the balance to be struck between the claimant's circumstances and the public interest reflected in the Immigration Rules by the Secretary of State has been struck in the claimant's favour (see Agyarko at [46]-[47]).
49. However, even if that were not the case, I am satisfied that there are "compelling circumstances" giving rise to unjustifiably harsh consequences which outweigh the public interest (see Agyarko at [48]).
50. As regard a claim under Art 8 outside the Rules, Ms Dirie submitted that there were "compelling circumstances" to outweigh the public interest. She relied on the best interests of X and a letter of support from her school at page A13 of the UT bundle. She submitted that it was clearly in X's best interest to remain in her present environment in the UK rather than one of self-imposed isolation in South Africa. As regard Part 5A of the Nationality, Immigration and Asylum Act 2002 she relied upon a number of factors set out in para 26 of her skeleton. She submitted that the claimant would be self-sufficient if they were permitted to work, the claimant and her partner both spoke English, their private and family life in the UK had been formed at a time when they honestly believed they had ILR and this was not a case where, she submitted, no weight should be given to their private and family life under s.117B(4) and (5) because they were unaware that their immigration status was precarious or unlawful.
51. Mr Mills conceded that there were arguably "compelling circumstances" based upon the interests of the children including the potential risk to them on return, that the claimant and her partner had been the innocent victims of a fraud believing that they had ILR. However, he submitted that it was in the children's best interests to be with their parents. He accepted that they both spoke English and therefore the public interest in s.117B(2) was not engaged. He submitted that the evidence was unclear as to whether or not they would have adequate income so as to be financially independent for the purposes of s.117B(3) but he accepted that this was not a strong point. He invited me to find that there were not sufficiently compelling circumstances but he accepted that I could rationally reach the opposite conclusion.
52. First, Mr Mills, in his submissions, conceded that the circumstances of the children and any potential risk was an important aspect of the proportionality issue. Whilst it might in general be said that it is in the best interests of the claimant's children to be with the claimant whether she and her partner are in the UK or South Africa, in the particular circumstances of this case, I am satisfied that there will be a significant detriment to their interests if returned to South Africa because of the need for social isolation in order to protect the family from the threats from the claimant's uncle. The evidence also shows, in particular in relation to X, a continuing development

and life in the UK (see letter from her school at page A13). I am satisfied that it would not be in their best interests to live in South Africa.

53. Second, although the family life of the claimant and her partner were formed whilst their immigration status was either precarious or unlawful as they were never validly granted ILR, they genuinely believed that they had been granted ILR until the possibility of fraud by their legal representative was first raised at the end of 2012 and not confirmed by the Home Office until some time later, probably in 2014. The “little weight” provisions in s.117B(4) and (5) present a spectrum dependent upon the circumstance of weight that must be given to an individual’s private and family life (see Kaur (children's best interests/public interest interface) [2017] UKUT 14 (IAC); Rhuppiah v SSHD [2016] EWCA Civ 803).
54. Third, in my judgment, given the innocence of the claimant and her partner in the fraud which was perpetrated by their (then) legal representative, this is one of the unusual cases where despite their presence being precarious or unlawful, their private and family life established during that time is entitled to due weight. I accept the claimant’s evidence that had she not genuinely believe she had been granted ILR then, given the early stage of her relationship with V, she would have broken that relationship off and returned to South Africa – in effect going along with the wishes of her family in South Africa. As an innocent party to the forged grant of ILR, she genuinely believed (as did V) that they were entitled to remain in the UK indefinitely and so could set down roots by, for example, beginning a family (see Agyarko at [53]). X was, of course, born before the claimant and V were even alerted to the possible fraud by their friend at the end of 2012.
55. Fourth, as Ms Dirie submitted, and Mr Mills accepted, the public interest in s.117B(2) is not engaged as they all speak English. As regards s.117B(3), there is nothing to suggest that the claimant and her partner were not financially independent when they worked prior to the discovery that the grant of ILR was a forgery. Mr Mills placed some reliance on the evidence before me that might not show adequacy of income for a family of four. However, he acknowledged this was not his strongest point. Even if it is engaged, which I have considerable doubt it is, the public interest in s.117B(3) is only one of a number of factors to be considered.
56. Weighing up all the factors I have set out, and seeking to strike a fair balance between the public interest and those of the claimant and her family in the UK, I am satisfied that there are “compelling circumstances” sufficient to outweigh any public interest in her (or the family’s) removal to South Africa.
57. Accordingly, I allow the appeal under Art 8 of the ECHR.

### **Decision**

58. The decision of the First-tier Tribunal was set aside, to the extent there set out, in the decision of DUTJ Davey dated 3 April 2017.

59. I remake the decision allowing the appellant's appeal on asylum grounds and under Art 8 of the ECHR.

Signed

A Grubb  
Judge of the Upper Tribunal

Date: 21 June 2017