



Upper Tribunal
(Immigration and Asylum Chamber)

Appeal Number: PA/03140/2017

THE IMMIGRATION ACTS

Heard at Glasgow
on 19 December 2017

Decision & Reasons Promulgated
On 21 December 2017

Before

UPPER TRIBUNAL JUDGE MACLEMAN

Between

MOHAMED ALI M LATIFEH

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Mr D McGlashan, of McGlashan MacKay, Solicitors

For the Respondent: Mr M Matthews, Senior Home Office Presenting Officer

DETERMINATION AND REASONS

1. The appellant appeals to the UT against a decision by FtT Judge Mill, promulgated on 11 May 2017. His grounds are stated in the attachment to his application for permission to appeal, dated 29 September 2017.
2. The grounds at 2.1 say that the judge left out of account risk at the point of return and in onward travel. On this point, the appellant seeks to have it both ways, saying both that *AT* [2014] had been superseded, and that there is an additional risk factor to the appellant as identified in *AT*. More significantly, the ground fails to go beyond

vague disagreement. It specifies no evidence which was brought to the judge's attention by which he might have decided the case in the appellant's favour, based on this issue.

3. The grounds at 2.2 are only a quibble about the significance to be given to the timing of the protection claim.
4. The point at 2.3 is difficult to decipher, and not shown to be material.
5. The grounds at 2.4 says that each case has to be decided on its own facts, which is what the judge did, and that the judge "has not properly taken into account the significance of the appellant's race", which is only a vague disagreement.
6. Mr McGlashan submitted that the judge should have allowed the appeal based on general risk, but he showed no error of law in the judge's conclusion at ¶37 to the contrary, based on the evidence before him.
7. These proceedings have in all probability become academic. On the authority of *ZMM Libya CG* [2017] UKUT 00263 the appellant is likely on further application to the respondent to be found entitled to protection, simply as a returning civilian. However, the appellant does not show that on the case law as it then stood and on the evidence and pleadings before him, the making of the decision by Judge Mills involved the making of any error on a point of law, such that it ought to be set aside.
8. The decision of the First-tier Tribunal shall stand.
9. No anonymity direction has been requested or made.



20 December 2017
Upper Tribunal Judge Macleman