



Upper Tribunal
(Immigration and Asylum Chamber)

Appeal Numbers: PA/04588/2016

THE IMMIGRATION ACTS

Decided on the papers
On 18 May 2018

Decision & Reasons Promulgated
On 23 May 2018

Before

UPPER TRIBUNAL JUDGE FRANCES

Between

[M A]

~~(ANONYMITY DIRECTION NOT MADE)~~

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

DECISION AND REASONS

1. The Appellant is a citizen of Libya born on [] 1992. His appeal against the refusal of his protection claim was dismissed on asylum, humanitarian protection and human rights grounds by First-tier Tribunal Judge Lawrence on 17 July 2017.
2. Permission to appeal was granted by First-tier Tribunal Judge Osbourne on 22 December 2017 on the ground that the judge misapplied or misunderstood ZMM (Article 15C) Libya CG [2017] UKUT 00263 (IAC) and failed to give good reasons supported by cogent evidence for departing from country guidance.
3. In the Rule 24 response, the Respondent conceded that the decision contained an error of law and invited the Tribunal to remake the decision, allowing it on Article 15(c) grounds.

4. By letter dated 16 May 2018, the Appellant indicated that he was prepared to accept a grant of humanitarian protection and he had informed the Respondent of the same on 13 February 2018.
5. The Respondent's rule 24 response is somewhat ambiguous in that it initially states that the appeal is opposed, then concedes the humanitarian protection point before requesting an oral hearing. However, I am satisfied that the judge erred in law in failing to properly apply country guidance.
6. Accordingly, in view of the Secretary of State's concession and applying the country guidance in ZMM, I find that there is an error of law in the decision of 17 July 2017 dismissing the Appellant's appeal on humanitarian protection grounds. I set aside the decision in that respect and remake it. The Appellant's appeal is allowed on humanitarian protection grounds.
7. The error of law hearing listed for 29 May 2018 is vacated. I have no jurisdiction to consider any challenge to the Respondent's letter of 9 May 2018 in this statutory appeal.

Notice of decision

The Appellant's appeal is allowed on humanitarian protection grounds.

J Frances

Signed
Upper Tribunal Judge Frances

Date 18 May 2018