



Upper Tribunal
(Immigration and Asylum Chamber)

Appeal Number: PA/13783/2016

THE IMMIGRATION ACTS

Heard at Civil Justice Centre, Manchester
On 4th June 2018

Determination Promulgated
On 5th June 2018

Before

UPPER TRIBUNAL JUDGE COKER

Between

MZ
(ANONYMITY ORDER MADE)

Appellant

And

SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Mr R O’Ryan, instructed by Duncan Lewis & Co solicitors
For the Respondent: Mr P Duffy, Senior Home Office Presenting Officer

DECISION 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 original Appellant/parties in this determination identified as MZ. This direction applies to, amongst others, all parties. Any failure to comply with this direction could give rise to contempt of court proceedings

1. MZ was granted permission to appeal the decision of First-tier Tribunal judge Hunter who had dismissed the appellant’s appeal relating to the risk of indiscriminate violence reaching the Article 15(c) standard. He was refused permission requesting a review of the decision of First-tier Tribunal Judge Hunter.

2. Before me Mr Duffy and Mr O’Ryan confirmed that they considered there to have been a material error of law by the First-tier Tribunal judge in his assessment of the risk of indiscriminate violence and, in accordance with ZMM *Article 15(c)) Libya CG [2017] UKUT 263, there was a material error of law in the judgment of First-tier Tribunal judge Hunter such that the decision is set aside to be remade.
3. Both parties agreed that the appeal on Article 15(c) grounds should be allowed.
4. In accordance with The Tribunal Procedure (Upper Tribunal) Rules 2008 rule 39 I consider it appropriate to make a consent order disposing of the proceedings, allowing the appeal.

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

I re-make the decision in the appeal by allowing it on humanitarian protection grounds.



Date 4th June 2018

Upper Tribunal Judge Coker