



Upper Tribunal
(Immigration and Asylum Chamber)

Appeal Number: PA/04510/2017

THE IMMIGRATION ACTS

Heard at Field House
On 16 September 2019

Decision & Reasons Promulgated
On 18 September 2019

Before

UPPER TRIBUNAL JUDGE GLEESON

Between

A S (SUDAN)
[ANONYMITY ORDER MADE]

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

DECISION AND REASONS

Anonymity

Pursuant to Rule 14 of the Tribunal Procedure (Upper Tribunal) Rules 2008 (SI 2008/269) I continue the anonymity order previously made. 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 appellant. This direction applies to, amongst others, all parties.

Any failure to comply with this direction may give rise to contempt of court proceedings.

Decision and reasons

1. The appellant, a citizen of Sudan, appeals with permission against the decision of the First-tier Tribunal dismissing his appeal against the respondent's decision to refuse him international protection under the Refugee Convention, humanitarian protection, or leave to remain in the United Kingdom on human rights grounds.
2. On 18 December 2018, I found an error of law and set aside the decision of the First-tier Tribunal, directing that the decision be remade in the Upper Tribunal.
3. The appellant has a psychotic mental illness which may be paranoid schizophrenia, and has no family network in Sudan. Most of his family members are now overseas. He had a brother in the JEM.
4. At a hearing on 18 March 2019, the respondent accepted that the appellant and all three of his witnesses were Darfuri Tunjurs. The appellant produced at that hearing a skeleton argument and a substantial bundle of further evidence.
5. The appeal was adjourned to enable the respondent to consider her position in the light of the ethnicity concession and the new evidence. Following consideration of her position, the respondent accepted that there is a risk of persecution and/or serious harm for the appellant in his home area because he is a Darfuri Tunjur.
6. The remaining issue in this appeal was whether the appellant could be expected to exercise an internal relocation option to Khartoum. The Upper Tribunal has given guidance, which Mr Clark and Ms Laughton had seen, which is shortly to be reported as *AAR and AA (non-Arab Darfuris: return)* [2019] UKUT (IAC) as follows:

"The situation in Sudan remains volatile after civil protests started in late 2018 and the future is unpredictable. There is insufficient evidence currently available to show that the guidance given in AA (non-Arab Darfuris - relocation) Sudan CG [2009] UKAIT 00056 and MM (Darfuris) Sudan CG [2015] UKUT 00010 (IAC) requires revision. Those cases should still be followed."

7. For the respondent, Mr Clark accepted in the light of the decision in *AAR and AA*, that the time is not right to depart from the existing country guidance, and that accordingly the appellant's appeal falls to be allowed.

Decision

8. Accordingly, and by consent, my decision is as follows:

The making of the previous decision involved the making of an error on a point of law. I set aside the previous decision.

I remake the decision by allowing the appellant's appeal.

Date: 16 September 2019

Signed: *Judith A J C Gleeson*

Upper Tribunal Judge Gleeson