



**Upper Tribunal
(Immigration and Asylum Chamber)**

Appeal Number: IA/01748/2021
[PA/52245/2020]

THE IMMIGRATION ACTS

**Field House
23rd November 2021**

**Decision promulgated on:
24th November 2021**

Before:

UPPER TRIBUNAL JUDGE GILL

Between

SS
(ANONYMITY ORDER MADE)

Appellant

And

The Secretary of State for the Home Department

Respondent

DECISION

1. By my Directions (signed on 11 November 2021 and sent to the parties on the same date), I indicated my provisional view that I was minded to re-make the decision in the appellant's appeal by allowing it on asylum grounds and human rights grounds (Article 3) and dismissing it on humanitarian protection grounds.
2. I stated that the Upper Tribunal would proceed to issue a decision to that effect unless either party objected, with written reasons, any such objection(s) to be received no later than 4 pm on the third working day after the date on which the Directions are sent to the parties.
3. By an email dated 11 November 2021 timed at 13:16 hours, Ms J Isherwood of the respondent's Specialist Appeals Team, confirmed that the respondent did not object to the proposed action.
4. By an email dated 11 November 2021 time at 15:17 hours, the appellant's representatives confirmed that the appellant does not have any objection to the proposed action.
5. Accordingly, I re-make the decision on the appellant's appeal by allowing it on asylum grounds and human rights grounds (Article 3) and dismissing it on humanitarian protection grounds.

Decision

The making of the decision of the First-tier Tribunal involved the making of a error of law sufficient to require it to be set aside. The decision was set aside in its entirety.

I re-make the decision on the appeal by allowing it on asylum grounds and on human rights grounds (Article 3) and dismissing it on humanitarian protection grounds.

Upper Tribunal Judge Gill

Date: 23 November 2021

NOTIFICATION OF APPEAL RIGHTS

1. A person seeking permission to appeal against this decision must make a written application to the Upper Tribunal. Any such application must be **received** by the Upper Tribunal within the **appropriate period** after this decision was **sent** to the person making the application. The appropriate period varies, as follows, according to the location of the individual and the way in which the Upper Tribunal's decision was sent:
2. Where the person who appealed to the First-tier Tribunal is **in the United Kingdom** at the time that the application for permission to appeal is made, and is not in detention under the Immigration Acts, the appropriate period is **12 working days (10 working days, if the notice of decision is sent electronically)**.
3. Where the person making the application is in detention under the Immigration Acts, **the appropriate period is 7 working days (5 working days, if the notice of decision is sent electronically)**.
4. Where the person who appealed to the First-tier Tribunal is **outside the United Kingdom** at the time that the application for permission to appeal is made, the appropriate period is **38 days (10 working days, if the notice of decision is sent electronically)**.
5. A "working day" means any day except a Saturday or a Sunday, Christmas Day, Good Friday or a bank holiday.
6. The date when the decision is "sent" is that appearing on the covering letter or covering email