IAC-AH-SC-V1

Upper Tribunal
(Immigration and Asylum Chamber) **Appeal Number: RP/00095/2018**

THE IMMIGRATION ACTS

Heard at Field House	**Decision & Reasons Promulgated**
On 28 July 2020	**On the 25 August 2022**
And 29 July 2022	

Before

UPPER TRIBUNAL JUDGE RINTOUL

Between

MR AHMED IBRAHIM AHMED
(ANONYMITY DIRECTION NOT MADE)

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:
For the Appellant: Ms Ferguson, instructed by Freemans solicitors (28 July 2020)
Mr S Muquit, Direct Access (29 July 2022)
For the Respondent: Mr T Melvin, Senior Home Office Presenting Officer

DECISION AND REASONS

1. The appellant appeals with permission against a decision of First-tier Tribunal Judge J Bartlett, dismissing his appeal against a decision of the respondent made on 18 May 2018 to refuse him asylum, to revoke his refugee status and to refuse his human rights claim. For the reasons set out below, that decision was set aside after a hearing before me on 28 July 2020. It was not, however, possible to list the remaking of that decision

owing to COVID and the need to await a new Country Guidance case on Somalia, reported as OA (Somalia) CG [2022] UKUT 00033.

The Appellant's Case

2. The appellant is a citizen of Somalia, and a member of the Reer Hamar, Bafadal sub-sub-clan of the Benadiri group. He is originally from Afgoye in Somalia where he was born on 15 June 1992. From what he was told by his family, in around December 1992 they fled Somalia to Saudi Arabia where they remained unlawfully and they were forcibly returned to Afgoye and stayed with a distant uncle for a short period. He was captured by Hawiye militiamen and, after he was able to escape, was assisted by his family who arranged an agent to bring him to the United Kingdom in 2008 via Dubai.

3. Although the appellant's asylum claim was refused, he was granted discretionary leave as a minor until 14 December 2009. On 29 October 2009 he applied for asylum which was refused but his appeal against that decision was successful and on 7 September 2011 he was granted refugee status and leave to remain till 7 September 2016.

4. On 6 July 2016 the appellant was convicted on one count of having an (imitation) firearm and ammunition in a public place and one count of possessing a controlled drug. He was sentenced to ten months' imprisonment.

5. On 18 May 2018 the respondent decided to cease the appellant's refugee status and refused his human rights claim.

6. The appellant's partner is a Bulgarian national and they have two children, both of whom are British citizens. The appellant's partner has permanent residence in the United Kingdom.

The Respondent's Case

7. The respondent took the view that the circumstances in connection with which the appellant had been recognised as a refugee have ceased to exist and that Article 1(C)(5) of the Refugee Convention applied. Having had regard to the factors set out in MOJ & Ors (Return to Mogadishu) Somalia CG [2014] UKUT 00442 she concluded that there were no significant obstacles to his reintegration into Somalia and that he was able to internally relocate to Mogadishu.

8. The respondent considered the appellant's children would be able to stay with their mother who was exercising her rights to free movement.

9. The respondent concluded that the offences of which the appellant was convicted had caused serious harm and therefore the public interest required his deportation unless the exceptions applied. She concluded that they did not as it would not be unduly harsh for the appellant's children to remain in the United Kingdom without him, nor would it be

unduly harsh for the children and his partner to resettle with him in Somalia; or, for the partner to live without him in the United Kingdom. She considered that paragraph 399A did not apply and that there were no very compelling circumstances beyond the considerations above.

The decision of the First-tier Tribunal

10. The First-tier Tribunal heard evidence from the appellant and his partner and concluded that:-

(i) taking into account MOJ, there had been durable changes in the situation in Mogadishu since the appellant was granted refugee status in the United Kingdom [22], the issue then being whether the internal relocation of the appellant to Mogadishu was reasonable and not unduly harsh following Januzi [2006] UKHL 5;

(ii) the appellant had spent only a few months in Somalia having spent the majority of his childhood in Saudi Arabia; that he had some familiarity with Somali customs and culture through his parents but this was limited as he had not lived with them for many years and that he had no family connections in Mogadishu; the appellant could understand Somali but could not read or write but he does speak Arabic;

(iii) the appellant had worked in unskilled jobs in the United Kingdom and that it is likely he would be confined to reasonably unskilled jobs in Somalia, it being possible that his English language abilities would help him find work; that he was a member of a minority clan and the clan would not be able to offer him support in Mogadishu; and, that there would be some financial support from friends and his partner, it not being accepted that she would not provide him with money and the appellant's partner would continue to find some support whilst he established himself in Somalia;

(iv) that, having had regard to the headnote in MOJ at (ix) to (xii) [26] that he had no family or clan associations to call on in Mogadishu and that his only financial resources would be remittances from his partner, father-in-law, cousin and friends and that his limited connections that he might have in the Somali community would provide very limited practical assistance if any; that he might be able to obtain manual work [27] and did not fall within MOJ at (xi) as he would receive remittances from abroad which would give him the opportunity to secure a livelihood thus there was no risk of him having to live in an IDP camp.

11. The judge also concluded that the appellant could not establish that his Article 3 rights would be breached. Turning to Article 8, she concluded that no serious harm had been identified and thus the appellant did not fall within the automatic deportation regime set out in the Immigration Rules; and, that he was therefore not a foreign criminal for the purposes of

Section 117 of the 2002 Act [35]. Turning to the factors set out in Section 117B she considered that as he was liable to deportation Section 117B(6) did not apply and that whilst it would be unduly harsh to expect his children to go to live with him in Somalia, [39] and that relationships could be maintained through "modern means of communication" [43].

12. At [48] and [49] the judge set out the factors in a balance sheet and concluded that the appellant's removal was proportionate.

13. The appellant sought permission to appeal on the grounds that the judge had erred:-

(i) In not departing should have departed from MOJ, the situation having worsened since then

(ii) In misdirecting herself as to the reasonableness of relocation in Mogadishu given what was set out in the CPIN: Somalia, version 3 – Clans – January 2019;

(iii) as the evidence did not support the finding that there was no risk to the appellant having to live in an IDP camp for a Convention reason or under Article 15(b) of the Directive [9], relying entirely on the availability of remittances without acknowledging the weight of the evidence suggesting to the contrary;

(iv) in not finding that there was a general Article 15(c) risk for him there having been a significant deterioration in the humanitarian situation [10 to 12];

(v) in her approach to the Article 8 issue in effect "double counting" the public interest arising from the seriousness of the offence which was of course the trigger incorrect having found that his offending had not caused serious harm and he is not a foreign criminal and in balancing the conditions in Mogadishu where he had never lived.

14. I heard submissions from both representatives. Ms Ferguson submitted, relying on her skeleton argument, that as the appellant was from Afgoye it would be difficult for him to relocate to Mogadishu, the findings as to the remittances being insufficient; and, that the judge did not appear properly to have applied paragraph (xii) of MOJ. She submitted it was unlikely that he would be able to earn a livelihood; and, having had no contact with Mogadishu, would be at a disadvantage. She submitted that, in the alternative, Article 15(c) would be engaged in this case.

15. As to article 8, Ms Ferguson submitted that there had, as stated in the grounds, been double counting and the public interest had not been properly analysed.

16. Mr Clarke accepted that the appellant is at risk in his home area but that the cessation was justified as the appellant could reasonably be expected to relocate to Mogadishu. He submitted that there was no basis on which

MOJ could be departed from, much of what was set out in the CPIN in support having been considered in MOJ. He submitted that it was far from the proposition where the judge had erred in not applying it.

17. Mr Clarke submitted that the grounds had not properly challenged the findings of fact with regard to the availability of remittances and that the judge had properly directed herself with regard to MOJ, having concluded reasonably that the appellant would be able to support himself and as such not at risk of being sent to an IDP camp.

18. Mr Clarke drew my attention to paragraphs 344, 349 and 355 of **MOJ** submitting that there was not discrimination although there may be nepotism.

19. With regard to article 8, Mr Clarke submitted that the judge had properly directed herself as to the law, particularly with regards to paragraph 117B(6) and the decision was not perverse.

20. In reply, Ms Ferguson submitted that the challenge to the findings of fact were properly grounded and that the proportionality exercise was wrong.

The Law

21. Both parties accepted that the question of whether refugee status had ceased is the "mirror image" of a claim to refugee status, as is referred to in MS [2019] EWCA Civ 1345. The question of internal relocation then arises within that context, as was noted in SB (refugee revocation; IDP camps) Somalia [2019] UKUT 358 this forms part of the analysis. The judge properly directed herself to this effect, noting that the issue was the test set out in Januzi. (See SB at 65 to 70). But the judge does not appear to have directed herself that as this is a cessation case, all issues have to be proved by the respondent– see MS at [48]:

> 48. As the House of Lords made clear in *Hoxha,* the mirror image approach is subject to the qualification that the requisite "strict" and "restrictive" approach to cessation clauses means that it must be shown that the change in circumstances is fundamental and durable - in the equivalent wording of the Qualification Directive, "significant" and "non-temporary". In addition, the burden of proof on all issues will be on the SSHD.

22. Bearing that in mind it is sensible to have regard to the headnote in MOJ at (ix) to (xii). Taking these together that the core issue is the access to funds particularly in the case of somebody from a minority clan but what the judge does not do is say why his work history in the United Kingdom, which is limited, would be relevant. The judge does not consider either what level of funds would be available nor consider any overall assessment of what the funds would likely to bring him in terms of accommodation such as would allow him to establish a home of some type, nor is it clear why the appellant's ability to speak English would be relevant to him being able to perform manual work. It is one thing to have casual labour but another to have steady employment. In reality, the judge

has simply reached the same conclusions as the respondent without saying why; or, for that matter, explaining why the respondent had proved her case. What appear superficially to be findings are, in fact, not based in any proper analysis of the evidence.

23. Accordingly, I am not satisfied that the findings with regard to the appellant's ability to support himself in Mogadishu are sound.

24. With regards to Article 8, it is unclear why the revocation of refugee status in the United Kingdom are in favour of removal nor is it clear how close relationships with children could be maintained by telephone calls and social media and this paragraph at [43] has all the hallmark of a proforma rather than any proper findings, there being little indication as to how occasional visits could be maintained or where or how Further, it is difficult to understand how a judge could rationally have concluded that a relationship could be maintained in such a way with a child of 5 let alone 2. Again, the judge appears simply to repeat a conclusion reached by the respondent, but without stating why.

25. I was, accordingly, satisfied that the decision of the First-tier Tribunal involved the making of an error of law and it was set aside to be remade in the Upper Tribunal.

26. I directed that the remaking would proceed on the basis that the appellant is not a foreign criminal is preserved and on the issued of the funds available to the appellant and as to how he would be able to support himself either by employment or funds from abroad.

27. I directed also that the decision as to article 8 will also need to be remade bearing in mind that the appellant is no longer a foreign criminal for the purposes of

Remaking the Decision

28. I heard evidence from the appellant and submissions from appellant's bundle before the First-tier Tribunal as well as additional bundles from the respondent and the appellant, including an additional witness statement from him dated 25 June 2022.

The Hearing on 29 July 2022

29. The appellant adopted his witness statement. The appellant gave evidence in English. He adopted his witness statement explaining that his wife had not attended the hearing. She needed to work that day and they needed the money. The mother-in-law was looking after the children.

30. Cross-examined, the appellant said that his wife's hours of work vary, some weeks twenty hours, some ten and some fifteen. She receives work and child credits in addition to child benefit for the children, which are paid into her Halifax bank account.

31. The appellant stated that he has friends he meets at the mosque who he thinks have family in Somalia as they go there from time to time, either for a holiday or to visit relatives. He had in the past asked them to try and find his family. The last time he had done that was in 2018.

32. The appellant said that the last time he had spoken to his family was in 2020 when they were in Yemen. He said that his father and other family members were killed there in 2019. He had not said that at the previous hearing but before Judge Bartlett, as he did not recall being asked about that.

33. He said it was not safe for him to work to support himself in Somalia. It was hard enough for him to get a job in the United Kingdom and that he had little experience in the United Kingdom, only that he works at an apprenticeship and worked from time to time helping out his wife's uncle, who has his own construction company

34. The appellant said that he does suffer from depression and anxiety and had spoken to his GP about this in 2018 or 2019. The GP had said these were symptoms but he had not been prescribed any medication.

35. The appellant confirmed that he had pleaded guilty to the possession of cannabis in 2022, for which he had received a conditional discharge and had to pay a £20 victim surcharge.

36. The appellant confirmed he was able to read and write English, understand Somali, speaks a bit and also speaks Arabic.

37. The appellant said that he did not think his wife would be able to send him money as they barely make ends meet at the moment, when she has to rely on money given to her by her family who give her, £50, £100 or £200 and sometimes they paid the rent. How much depends on how many hours she works.

38. The appellant said that he thought that the family would support him in Somalia if they could and that he was still waiting for his family members in Yemen to contact him. He said that he had sent them on occasion £15 or £20, which made a big difference in Yemen, but he did not have any receipts for that with him. Re-examined, the appellant said that the friends he described at the mosque were more acquaintances rather than friends and he had not sent money to his family in Yemen since the beginning of 2020.

Submissions

39. Mr Melvin relied on the skeleton argument submitting that the appellant had been vague and unclear as to the whereabouts of his family and as to whether they would be able to support him in Somalia or indirectly by sending him money there. I pointed out that the appellant had not provided any up-to-date evidence from the relatives in the United Kingdom who had supported him in the past.

40. Mr Melvin submitted that the appellant had distanced himself from the contacts he has with the Somali diaspora, that is acquaintances in the mosque, to increase the chance of the appeal being allowed. He, on that regard, relied specifically on the comments made in OA about the relationship between the Somali diaspora and Somalia itself. It was submitted the appellant would be able to get assistance to reintegrate and would be entitled to funds under the facilitated return scheme.

41. With respect to Article 8, Mr Melvin submitted it would be beneficial to hear evidence from the appellant's wife. He accepted there would be difficulty with regard to paragraph 117B (6) but that overall, removal would be proportionate.

42. Mr Muquit drew attention to the fact that it was accepted by the respondent that the appellant would still be at risk in his home area. He submitted that looking at the matter as a whole, it would not be reasonable to expect the appellant to relocate to Mogadishu as he was disconnected from his family and that his family in the United Kingdom would not be able to send him money. He pointed out that there was no indication that the uncle who had assisted him in 2008 would still be in a position to assist him, he had never lived with him and read as a whole there was no inconsistencies in the evidence.

43. With respect to Article 8, Mr Muquit submitted that the position on the facts of this case was unusual: on the preserved findings he is not a foreign criminal and so Section 117C did not apply but that he is still liable to deportation. Thus there is no mandate to consider Section 117B(6) but there was still a necessity to take into account the best interests of the children. He submitted that although Section 117C did not directly apply in this case it was evident that the appellant would have succeeded under one of the exceptions in that section and accordingly, it flowed logically that his removal where those extra considerations of the public interest, in respect of a foreign criminal, did not apply as such that his removal would be disproportionate.

Decision

44. As is noted above, the focus of this appeal is relatively narrow. It is, nonetheless, necessary to consider whether it would be reasonable to expect the appellant to relocate to Mogadishu, having had regard to the most recent country guidance case, OA (and taking into account also MOJ. In doing so, I adopt the approach to cessation as set out in MA (Somalia) [2019] 1 WLR 241. As was noted in MS [2019] EWCA Civ 1345 at [49]:

> 49. In summary, in a case in which refugee status has been granted because the person cannot reasonably be expected to relocate, a cessation decision may be made if circumstances change, so as to mean that that person could reasonably be expected to relocate, provided that the change in circumstances is, in the language of the Qualification Directive, "significant and non-temporary". Helpful guidance in relation to the assessment of the reasonableness of internal relocation is given in the

recent decision of this Court in *AS (Afghanistan) v SSHD* [2019] EWCA Civ 873.

45. Much of the appellant's account has been accepted and a significant number of facts have been preserved. It is necessary, I consider, to focus in light of OA on a number of particular factors which are of particular reference. It is of note in this case that the appellant has never lived in Mogadishu, having left Somalia as a baby, returning only when he was 15 for a short period. I have considered whether I should accept the evidence of the appellant's account of a lack of contact with family in Yemen and I find, bearing in mind that there is no inconsistencies in evidence and bearing in mind the extent to which he has been found to be credible by Judge Bartlett, I accept his account of his father being killed in Yemen and there had been a lack of contact with them. That, given the current situation in Yemen, is perhaps unsurprising as indeed is the fact that he has not provided any evidence by way of a death certificate. I accept his account that he has sent small amounts of money to the family in Yemen. I consider again, that it is plausible that they would not be able to support themselves in Yemen given the situation in that country and given that they are not nationals of that state.

46. I accept that the appellant understands Somali and speaks some; he speaks English fluently and is able to read and write it. He is able to read and write Arabic.

47. I accept that, as Mr Muquit submits, the appellant was found in an earlier appeal some eleven years ago not be able to act and speak like a local in Somalia and that this has not changed. I accept that there have been significant changes in the fourteen years since he came to the United Kingdom and I accept his account that he has no family or contact with anyone in Somalia now.

48. I accept that the appellant has some contacts with people from Somalia at the mosque but equally I accept his evidence that these are more in line with acquaintances rather than friends. To an extent, this appellant has moved away from the Somali community in that his wife is a Bulgarian national, he interacts with her family and has from time to time worked with them.

49. Taking these factors into account, I am satisfied by the evidence before me that this appellant will, given his history, and the lack of continuing links to Mogadishu, have great difficulty in gaining the support of Reer Hamar in Mogadishu, which puts him in a difficult position in seeking to establish himself. Any links he had were with Afgoye, and are thus attenuated. His immediate family left Somalia.

50. I accept that the appellant has not had much of a work history and has worked only in unskilled jobs. I accept also that he is supported by his wife.

51. I consider it unlikely that his wife would be able, now that they have three children, to send him much money. Whilst she has not given evidence before me, the evidence of that her income is intermittent and that she relies on benefits is clear from the bank statements produced to me. They accept also, as is confirmed in the bank statements, that her family helped to support her by giving her money from time to time. Bearing in mind the pressure on those on a low income, particularly in light of rapidly increasing bills for gas and electricity, I find it unlikely that the appellant's wife's position is likely to improve; if anything it is likely to become significantly worse. Her bank account is already overdrawn and there are no savings upon which to rely.

52. In light of the appellant's evidence, I find it unlikely that he is able to get any financial support from his Somali family. I accept that there has been no contact with the uncle who looked after him for a very short period after his arrival or with family who may still be in Somalia. It is of note also that his parents had spent little time in Somalia in the last 30 years.

53. I accept that the appellant may be able to apply for a resettlement grant. That would be in the order of £750.

54. Turning then to the specific factors set out in the headnotes of the Country Guidance cases. Whilst I note the submissions made by the respondent in the skeleton at 19 to 22, I am not satisfied that the uncle would still be in a position to give support. The appellant has himself been separated from his family for some time; they had not lived in Somalia for 30 years and whilst he is of the Reer Hamar, he is not from the Reer Hamar in Mogadishu. In OA at the Tribunal stated this [249]:

> 249. Drawing this together, the assistance likely to be available to a Reer Hamar returnee will depend very much upon the individual links and network of the individual concerned, and the links they have, or through connections, could cultivate. It will be for an individual returnee to demonstrate why they will be unable to enjoy clan or network-based protection or assistance upon their return.

55. With regard to the appellant's personal network, I accept that the appellant would be unlikely to have more than a small number of degrees of separation from contact with a member of the clan, but separation there is, and over a significant period of time. there are a number of factors in this case, which are different from the family in OA. These are noted above: the lack of presence in Somalia, the lack of immediate Somali family being present in Somalia for a significant length of time, the extent to which the appellant now lives outwith the Somali community in the United Kingdom. I accept that the appellant has made remittances but only to family in Yemen and then again only with small amounts of money. Given the appellant's lack of employment that is hardly surprising. I am not satisfied on the basis of the evidence before me that the appellant's household have made remittances to Somalia.

56. I accept that the appellant may well be able to obtain a resettlement grant and this would permit him to look after himself for a short period in order for him to connect with a network or find a guarantor but equally I note that his spoken Somali is limited.

57. I bear in mind in this case that I am considering not simply whether there would be an Article 3 breach on return but whether the conditions for the appellant would be unduly harsh; this is a lesser hurdle to overcome. Taking all of these factors into account, having had my reference in particular to paragraph (ix) in MOJ, I am satisfied that on the particular facts of this case, given in particular the lack of contact with Somalia, the fact the appellant is not from the Reer Hamar in Mogadishu, the fact that the appellant's immediate family have been out of Somalia for over 30 years, his lack of job skills, his lack of facility in Somali are, if taken cumulatively, sufficient to show that he would not have access to the economic opportunities available in Mogadishu. In reaching that conclusion I conclude that there is in reality no prospect of him getting remittances from abroad, given the particular circumstances of his family in the diaspora, the length of time they were out of Somali, and in the United Kingdom. I find that in the circumstances, taking all of these factors into account, that it would be unreasonable or unduly harsh, bearing in mind the test set out in Januzi, to require the appellant to relocate to Mogadishu.

58. Accordingly, for these reasons, I conclude that the appellant remains a refugee and the appeal falls to be allowed on that basis.

59. Further, and in the alternative, I consider that the appellant's removal to Somalia would be in breach of the United Kingdom's rights pursuant to Article 8.

60. It is not in dispute that the appellant is not a foreign criminal but he is clearly a person who remains liable to deportation.

61. The factual matrix is thus unusual; although liable to deportation, he is not a person to whom Section 117C of the 2002 Act applies. Sections 117B and 117C provide:

> 117B Article 8: public interest considerations applicable in all cases:
>
> (1) The maintenance of effective immigration controls is in the public interest.
>
> (2) It is in the public interest, and in particular in the interests of the economic well-being of the United Kingdom, that persons who seek to enter or remain in the United Kingdom are able to speak English, because persons who can speak English—
>
> (a) are less of a burden on taxpayers, and
>
> (b) are better able to integrate into society.

(3) It is in the public interest, and in particular in the interests of the economic well-being of the United Kingdom, that persons who seek to enter or remain in the United Kingdom are financially independent, because such persons—

(a) are not a burden on taxpayers, and (b) are better able to integrate into society.

(4) Little weight should be given to—

(a) a private life, or

(b) a relationship formed with a qualifying partner, that is established by a person at a time when the person is in the United Kingdom unlawfully.

(5) Little weight should be given to a private life established by a person at a time when the person's immigration status is precarious.

(6) In the case of a person who is not liable to deportation, the public interest does not require the person's removal where—

(a) the person has a genuine and subsisting parental relationship with a qualifying child, and

(b) it would not be reasonable to expect the child to leave the United Kingdom.

62. Section 117C of the Nationality, Immigration and Asylum Act 2002 provides as follows:

> "117C Article 8: additional considerations in cases involving foreign criminals
>
> (1) The deportation of foreign criminals is in the public interest.
>
> (2) The more serious the offence committed by a foreign criminal, the greater is the public interest in deportation of the criminal.
>
> (3) In the case of a foreign criminal ("C") who has not been sentenced to a period of imprisonment of four years or more, the public interest requires C's deportation unless Exception 1 or Exception 2 applies.
>
> (4) Exception 1 applies where—
>
> (a) C has been lawfully resident in the United Kingdom for most of C's life,
>
> (b) C is socially and culturally integrated in the United Kingdom, and
>
> (c) there would be very significant obstacles to C's integration into the country to which C is proposed to be deported.
>
> (5) Exception 2 applies where C has a genuine and subsisting relationship with a qualifying partner, or a genuine and subsisting parental relationship with a qualifying child, and the effect of C's deportation on the partner or child would be unduly harsh.

…

(7) The considerations in subsections (1) to (6) are to be taken into account where a court or tribunal is considering a decision to deport a foreign criminal only to the extent that the reason for the decision was the offence or offences for which the criminal has been convicted."

63. It is axiomatic that the public interest in deporting those who meet the definition of foreign criminal is higher than that applicable to those with convictions who do not meet that threshold.

64. Were I to be considering this pursuant to Exception 2, as set out in Section 117C(5), I would be satisfied that the appellant has a genuine and subsisting relationship with his partner and their three children. Having had regard to the relevant case law, I am satisfied in the particular circumstances of this case that is requiring a Bulgarian national and three British citizen children who have known nothing but life in the United Kingdom, to live with no adequate means of support in Somalia, would be unduly harsh.

65. I consider also that it would in all the circumstances of this case, be unduly harsh to expect the three children to grow up apart from their father. Given the resources available to the family there is no real prospect of any contact by means of visits and given the ages of the children, all of whom are under 7, there would effectively be a severing of the meaningful family life that exists between the appellant, his wife and their children.

66. Having reached these conclusions, I consider that, logically, it flows that the effect of removal would be harsh and thus disproportionate. Accordingly, for these reasons, I allow the appeal on asylum and human rights grounds.

Notice of Decision

1. The decision of the First-tier Tribunal involved the making of an error of law and I set it aside.

2. I remake the appeal by allowing it on asylum grounds.

3. I remake the appeal by allowing it on human rights grounds.

4. No anonymity direction is made.

Signed Date: 23 August 2022

Jeremy K H Rintoul

Upper Tribunal Judge Rintoul