



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

Appeal Number: PA/01814/2016

**THE IMMIGRATION ACTS**

**Heard at Manchester  
On 14 July 2017**

**Decision & Reasons Promulgated  
On 17 July 2017**

**Before**

**UPPER TRIBUNAL JUDGE CLIVE LANE**

**Between**

**HAMMAM ALARBI  
(ANONYMITY DIRECTION NOT MADE)**

Appellant

**and**

**THE SECRETARY OF STATE FOR THE HOME DEPARTMENT**

Respondent

**Representation:**

For the Appellant: Mr Williams, instructed by Broudie Jackson & Canter,  
Solicitors

For the Respondent: Mr McVeety, Senior Home Office Presenting Officer

**DECISION AND REASONS**

1. The appellant, Hammam Alarbi, was born on 11 June 1993 and is a citizen of Libya. He appealed against the decision of the respondent to refuse him asylum. The decision is dated 15 January 2016. First-tier Tribunal (Judge Wedderspoon) in a decision promulgated on 2 December 2016,

dismissed the appeal. The appellant now appeals, with permission, to the Upper Tribunal.

2. I find that the appeal should be allowed. Granting permission, Judge Storey found that it was arguable that *“the appellant’s case needs specific consideration under Article 15(c) of the Qualification Directive and Article 3 ECHR on the basis of the generalised violence ... the judge gave his case no such consideration”*. Both parties agree that such consideration should have been given by the judge on the facts. Since the First-tier Tribunal promulgated its decision, the Upper Tribunal has given new country guidance in *ZMM (Article 15(c)) Libya CG [2017] UKUT 263 (IAC)*
3. The head note of ZMM reads:

*The violence in Libya has reached such a high level that substantial grounds are shown for believing that a returning civilian would, solely on account of his presence on the territory of that country or region, face a real risk of being subject to a threat to his life or person.*

In the circumstances, this appellant is entitled to be granted humanitarian protection and for his appeal to be allowed on Article 3 ECHR grounds.

### **Notice of Decision**

The decision of the First-tier Tribunal which was promulgated on 2 December 2016 is set aside. I have remade the decision. This appeal is allowed on humanitarian protection and Article 3 ECHR grounds.

No anonymity direction is made.

Signed

Date 15 July 2017

Upper Tribunal Judge Clive Lane

No fee is paid or payable and therefore there can be no fee award.

Signed

Date 15 July 2017

Upper Tribunal Judge Clive Lane