



Upper Tribunal  
(Immigration and Asylum Chamber)

Appeal Number: RP/00113/2017

**THE IMMIGRATION ACTS**

Heard at Manchester Civil Justice Centre  
24 April 2018

Decision & Reasons Promulgated  
On 21 May 2018

Before

MR C M G OCKELTON, VICE PRESIDENT

Between

SALIM [M]

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

**Representation:**

For the Appellant: Mr J Nicholson, instructed by Greater Manchester Immigration Aid Unit.

For the Respondent: Mrs Aboni, Senior Home Office Presenting Officer.

**DETERMINATION AND REASONS**

1. This decision is issued with the consent of the parties.
2. The appellant is a national of Somalia, recognised as a refugee. He has a number of convictions for criminal offences, including two sentences of 12 months imprisonment. He is thus a foreign criminal for the purposes of the UK Borders Act 2007.
3. The Secretary of State proposes to deport him, and as a preliminary decided to revoke his grant of refugee status. The revocation was on the basis of a change of

circumstances in Somalia. Her decision was upheld by the First-tier Tribunal on appeal, but the matter is now before me following a grant of permission to appeal against that decision.

4. Mr Nicholson for the appellant and Mrs Aboni for the Secretary of State agreed that the First-tier Tribunal had erred in applying to the appellant the test that would have been appropriate if he was seeking a grant of refugee status rather than resisting a revocation of it: the latter requires not merely the present absence of risk but a lasting change. I agree with the parties in the detection of that error, and I set aside the decision of the First-tier Tribunal.
5. I re-determine the appeal. It is clear to me, and Mrs Aboni did not seek to suggest the contrary, that although there are clear signs of improvement in the situation in Somalia, the evidence before the First-tier Tribunal and before me is not sufficient to establish a lasting change such as would merit revocation of the appellant's status. I therefore allow the appeal against revocation.

C. M. G. OCKELTON  
VICE PRESIDENT OF THE UPPER TRIBUNAL  
IMMIGRATION AND ASYLUM CHAMBER  
Date: 16 May 2018.