



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

Appeal Number: PA/08134/2018

THE IMMIGRATION ACTS

**Heard at Bradford
On 27 February 2019**

**Decision & Reasons Promulgated
On 12 March 2019**

Before

UPPER TRIBUNAL JUDGE LANE

Between

**AHA
(ANONYMITY DIRECTION MADE)**

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Ms Warren, instructed by Bankfield Heath, solicitors
For the Respondent: Mr Diwnycz, Senior Home Office Presenting Officer

DECISION AND REASONS

1. The appellant was born in 1977 and is a citizen of Sudan. He claimed asylum in the United Kingdom on 20 April 2017. His wife and son (born 2001) are dependants upon his claim. By a decision dated 13 June 2018, the Secretary of State refused the appellant international protection. The appellant now appeals, with permission, to the Upper Tribunal.
2. The grounds of appeal are helpfully summarised by Judge Alis in the grant of permission:
“The CPIN report 2017 considered the position of non—Arab Darfuris in section 5.2. The report played down the risks to non-Arab Darfuris

pointed to an improved security situation in Khartoum. The CPIN Report does not unequivocally conclude that it was safe for non-Arab Darfuris in Sudan. Indeed, whilst there may be the green shoots of improvement this is a far cry from stating non-Arab Darfuris are now safe and no longer at risk of persecution. Moreover, many of the sources upon which the CPIN had been based pre-dated the decision of the Upper Tribunal in MM. The appellant's bundle contained numerous reports which support the argument that MM is still good law. For the Tribunal to depart from existing country guidance law (*sic*), then it must have sufficient evidence to enable it to depart from such law."

3. The grounds of appeal are particularly well-drafted. I told the representatives at the initial hearing at Bradford that I found that the First-tier Tribunal had erred in law such that its decision falls to be set aside. For the reasons cogently articulated in the grounds of appeal, I find that the judge erred by relying only upon the CPIN to depart from existing country guidance. In doing so, the judge failed to have proper regard to the country material produced by the appellant.
4. I set aside the decision of the First-tier Tribunal. I have re-made the decision. The appellant's appeal is allowed on asylum grounds and on Article 2/3 ECHR grounds.

Notice of Decision

5. The decision of the First-tier Tribunal is set aside. I have remade the decision. The appellant's appeal against the decision of the Secretary of State dated 13 June 2018 is allowed on asylum and Article 2/3 ECHR grounds.

Signed

Date 7 March 2019

Upper Tribunal Judge Lane