



**Upper Tribunal
(Immigration and Asylum Chamber) Appeal Number: AA/02195/2015**

THE IMMIGRATION ACTS

**Heard at Manchester
On 3 December 2015**

**Decision and Reasons
Promulgated
On 15 December 2015**

Before

UPPER TRIBUNAL JUDGE PLIMMER

Between

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Appellant

and

A K G

Respondent

Representation:

For the Appellant: Mr Harrison, Senior Home Office Presenting Officer

For the Respondent: None

Pursuant to Rule 14 of the Tribunal Procedure (Upper Tribunal) Rules 2008 (SI2008/269) an Anonymity Order is made. Unless the Upper Tribunal or Court orders otherwise, no report of any proceedings or any form of publication thereof shall directly or indirectly identify the original Appellant. This prohibition applies to, amongst others, all parties.

DECISION AND REASONS

1. The respondent is a citizen of Libya. I have made an anonymity order as this decision refers to details concerning his asylum claim.
2. The appellant ('the SSHD') has appealed against a decision of the First-tier Tribunal (FTT) to allow the respondent's appeal on humanitarian protection grounds. Mr Harrison clarified at the hearing that the sole ground of appeal relied upon was the alleged failure on

the part of the FTT to provide adequate reasons for not following the guidance in AT and others (Article 15c: risk categories) CG [2014] UKUT 318 IAC (14 July 2014). Mr Harrison was content to say no more in support of the appeal than this. Although the respondent was present at the hearing, albeit unrepresented, I did not need to hear from him and pronounced that the FTT decision did not contain a material error of law.

3. In my judgment the FTT has correctly directed itself to the correct approach to country guidance at [58] and has decided not to follow AT for reasons that were open to it. The FTT properly reminded itself that great care must be taken before being satisfied that significant changes had taken place such as to justify a departure from country guidance. The FTT correctly noted that the respondent came from Derna and there was cogent evidence that this part of Libya was now under the control of ISIS [60]. In those circumstances the FTT was entitled to find that there had been significant changes such that ordinary civilians were now at real risk of suffering serious harm in Derna.
4. The FTT properly went on to consider whether the respondent and his family (a wife and three young children aged 5 and under) could reasonably relocate to another part of Libya. The FTT specifically considered the deterioration in the conditions in Tripoli [62], the place identified by the SSHD in the reasons for refusal letter, as appropriate for the family to return to and decided that it would be unduly harsh to expect the family to relocate there. It is important to note that AT did not address internal relocation for families with young children. AT at [93-103] focussed its attention on single males and single females. In any event there was adequate evidence available to the FTT to support its finding that it would be unduly harsh to expect a family with three young children and no real connections outside their home area to relocate in June 2015 in light of the deterioration in security, health and education provision in Libya. AT considered the position in Libya in November 2013. As noted by the FTT the SSHD's own response to country of information request dated 3 October 2014 described the "political chaos and unrest in Libya taking a serious toll on health services" such that thousands of people in Tripoli have fled their homes and large hospitals and health centres are overwhelmed or inaccessible.

Decision

5. The decision of the First-tier Tribunal did not involve the making of a material error of law and I do not set it aside.

Signed:

Ms M. Plimmer
Judge of the Upper Tribunal

Date:
4 December 2015