



**Upper Tribunal  
(Immigration and Asylum Chamber)  
PA/10690/2016**

**Appeal Number:**

**THE IMMIGRATION ACTS**

**Determined on the papers:**

**5 December 2019**

**Decision & Reasons  
Promulgated  
9 December 2019**

**Before**

**UPPER TRIBUNAL JUDGE O'CONNOR**

**Between**

**MI**

**(ANONYMITY DIRECTION MADE)**

Appellant

**and**

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

Respondent

**ANONYMITY DIRECTION**

I make an order under r.14(1) of the Tribunal Procedure (Upper Tribunal) Rules 2008 prohibiting the disclosure or publication of any matter likely to lead members of the public to identify the appellant. No report of these proceedings shall directly or indirectly identify the appellant. This direction applies to both the appellant and to the respondent and all other persons. Failure to comply with this direction could lead to contempt of court proceedings. Liberty to apply.

**DECISION AND REASONS**

1. It is not in dispute that the appellant is a national of Sudan and a member of the Zaghawa tribe (and therefore a "Non-Arab Dafuri"). He appealed to the FtT against a decision of the SSHD of 26 September 2016 refusing his protection and human rights claims.

2. The decision of the First-tier Tribunal dismissing the appeal was subsequently set aside by the Upper Tribunal. It remains for the Upper Tribunal to re-make the decision on the appeal.
3. By way of an e-mail to the Upper Tribunal on 28 November 2019, Mr A. McVeety, acting on behalf of the SSHD, invited the Upper Tribunal to allow the appellant's appeal given the undisputed findings of fact and the terms of the recent Upper Tribunal decision in AAR & AA (Non-Arab Dafuris - return) Sudan [2019] UKUT 282 (IAC).
4. I conclude, for the reasons set out in the preceding paragraph, that the appellant's appeal should be allowed on the basis that his removal to Sudan would lead to a breach of the Refugee Convention.

### **Decision**

For the reasons given above, the appellant's appeal is allowed on the basis that his removal would breach the United Kingdom's obligations under the Refugee Convention.

Signed: Upper Tribunal Judge O'Connor



Date: 5 December 2019