



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

Appeal Number: PA/11860/2019

**THE IMMIGRATION ACTS**

**Decided at Field House  
On 8 July 2022**

**Decision & Reasons Promulgated  
On 11 July 2022**

**Before**

**UPPER TRIBUNAL JUDGE O'CALLAGHAN**

**Between**

**HS (ETHIOPIA)  
(ANONYMITY DIRECTION MADE)**

Appellant

**and**

**SECRETARY OF STATE FOR THE HOME DEPARTMENT**

Respondent

**DECISION AND REASONS**

**Introduction**

1. The appellant appeals a decision by the respondent to refuse his application for leave to remain in this country on international protection grounds. He is represented by Davjunnel Solicitors.
2. The respondent's decision is dated 21 November 2019.

**Brief Facts**

3. By a decision dated 27 January 2021 Judge of the First-tier Tribunal Bennett refused the appellant's appeal on all grounds; though accepting that the appellant was credible as to the following, *inter alia*:
  - i) He is an Ethiopian national.
  - ii) He is ethnically Oromo.

- iii) He took part as a student in a demonstration in 2016 that resulted in his being arrested, detained and maltreated for seven days before his release.
4. The appellant was granted permission to appeal to the Upper Tribunal and by a decision initially sent to the parties on 11 March 2022 I set aside the decision of the First-tier Tribunal, preserving all findings of fact. The remaking of the decision was directed to take place in the Upper Tribunal.

**Respondent's request to withdraw her case**

5. By email correspondence sent to the Upper Tribunal on 5 May 2022, Ms. J Isherwood, Senior Presenting Officer, confirmed on behalf of the respondent, *inter alia*:

'In the light of the Tribunal's error of law decision of 11 March, the SSHD now seeks the Tribunal's consent under Rule 17 to withdraw her case and for the appeal to be summarily allowed. On the accepted fact of the appellant's Ethiopian citizenship and Oromo ethnicity, and the preserved findings of attendance in July 2020 of demonstrations in London organised by the OLF, and of detention in 2006 after attending demonstrations as a student, it is accepted following the recent Country Guidance decision in *AAR (OLF- MB confirmed) Ethiopia CG [2022] UKUT 00001 (IAC)* that the protection ground is made out and the appeal should be allowed.'

**Decision**

6. Having considered the papers filed in this matter, and noting the preserved findings of fact, I am satisfied that the approach adopted by the respondent to withdraw her case is appropriate in the circumstances.
7. Upon the respondent having given appropriate written notice the Tribunal consents to the withdrawal of her case: rule 17(1)(a) and (2) of the 2008 Rules.

**Notice of Decision**

8. The Tribunal has previously decided that the decision of the First-tier Tribunal involved the making of an error on a point of law and set aside the decision promulgated on 27 January 2021 pursuant to section 12(2)(a) of the Tribunal, Courts and Enforcement Act 2007.
9. The consequence of the Tribunal consenting to the withdrawal of the respondent's case is that the appeal is remade and allowed on asylum and human rights (article 3) grounds.

Signed: D. O'Callaghan  
**Upper Tribunal Judge O'Callaghan**

Dated: 8 July 2022