



IN THE UPPER TRIBUNAL
IMMIGRATION AND ASYLUM
CHAMBER

Case No: UI-2023-001462

First-tier Tribunal No:
PA/52494/2022
IA/06852/2022

THE IMMIGRATION ACTS

Decision & Reasons Issued:
On 28 December 2023

Before

DEPUTY UPPER TRIBUNAL JUDGE ALIS

Between

M A A
(ANONYMITY ORDER MADE)

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Heard at Manchester Civil Justice Centre on 19 December 2023

DECISION AND REASONS

1. The Appellant is a non-Arab Darfuri national of Sudan, date of birth 12 March 1994, who on 5 August 2019 claimed asylum having entered the United Kingdom. The Respondent refused his application in a decision dated 27 June 2022. Judge of the First-tier Tribunal Bennett dismissed the Appellant's appeal under the Refugee Convention and on Human Rights grounds.
2. The Appellant was granted permission to appeal by Judge of the First-tier Pickering and the matter was listed before me on 19 September 2023. I accepted the submission that the Tribunal departed from the current country guidance without any reference to country evidence other than

the CPIN. To do so based solely on Respondent's CPIN, which itself referred to ongoing issues for non-Arab Darfuris, amounted to an error in law.

3. I adjourned the appeal and directed the parties review their positions and serve any additional evidence as to whether a person of Berti ethnicity would face persecution if he were returned to Sudan.
4. Since this hearing the parties have been in communication and a consent order has been signed in which parties agreed the Appellant's appeal should be allowed on humanitarian protection grounds.

Notice of Decision

5. The decision of the First-tier Tribunal did involve the making of an error on points of law. I have set aside the decision and have remade the decision in line with the consent order signed by both parties. The Appellant's appeal is allowed on humanitarian protection grounds only.

Deputy Judge of the Upper Tribunal Alis
Immigration and Asylum Chamber
20 December 2023