



Upper Tribunal  
(Immigration and Asylum Chamber)

Appeal Number: PA/05417/2017

**THE IMMIGRATION ACTS**

Heard at Cardiff Civil Justice Centre

Decision & Reasons Promulgated

On 11 September 2018

On 14 September 2018

Before

DEPUTY UPPER TRIBUNAL JUDGE O'RYAN

Between

BO  
(ANONYMITY ORDER MADE)

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

**Representation:**

For the Appellant: Ms Elliott-Kelly of Counsel, instructed by Hoole & Co Solicitors.  
For the Respondent: Mr Howells, Senior Home Office Presenting Officer

**DECISION AND REASONS**

UPON hearing from Ms. Elliott Kelly for the appellant and Mr Howells for the respondent

AND UPON consideration of the appellant's grounds of appeal dated the 30 November 2017 against the decision of Judge of the First tier Tribunal O'Brien dated 16 November 2017

AND UPON the parties indicating their agreement that the judge materially erred in law in allowing the appeal only on humanitarian protection and human rights grounds, and in dismissing the appeal on refugee convention grounds, on the basis that on the facts as found by the Judge, the appellant fell to be considered as a member of the particular social groups of (i) unaccompanied child, and (ii) a member of his father's family, and would remain at risk of persecution in Afghanistan for reason of his membership of such particular social groups

AND UPON the Tribunal considering that it is appropriate to so order

IT IS HEREBY ORDERED, BY CONSENT, UNDER RULE 39, TRIBUNAL PROCEDURE (UPPER TRIBUNAL) RULES 2008, THAT:

- 1 The judge's decision dismissing the appellant's appeal on refugee grounds be set aside.
- 2 The appellant's appeal on refugee grounds be allowed.

Signed:

Date: 12.9.18



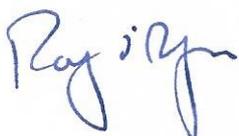
Deputy Upper Tribunal Judge O'Ryan

**Direction Regarding Anonymity - Rule 14 of the Tribunal Procedure (Upper Tribunal) Rules 2008**

This appeal concerns a protection claim of a minor. Unless and until a Tribunal or court directs otherwise, the appellant is granted anonymity. No report of these proceedings shall directly or indirectly identify them or any member of their family. This direction applies both to the appellants and to the respondent. Failure to comply with this direction could lead to contempt of court proceedings.

Signed:

Date: 12.9.18



Deputy Upper Tribunal Judge O'Ryan