



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

Appeal Number: PA/10233/2018

**THE IMMIGRATION ACTS**

**Heard at Field House  
On 29 May 2019**

**Decision & Reasons Promulgated  
On 27<sup>th</sup> June 2019**

**Before**

**DEPUTY UPPER TRIBUNAL JUDGE SHERIDAN**

**Between**

**RJM  
(ANONYMITY DIRECTION MADE)**

Appellant

**and**

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

Respondent

**Representation:**

For the Appellant: Ms Fitzsimonds, Counsel instructed by Duncan Lewis  
For the Respondent: Mr Walker, Home Office presenting Officer

**DECISION AND REASONS**

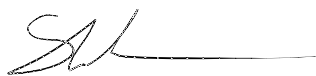
1. By my decision promulgated on 15 March 2019 I set aside the decision of the First-tier Tribunal. I now remake that decision.
2. The argument advanced by Ms Fitzsimmons is that there is a real risk that the appellant's removal from the UK would breach the UK's obligations under either the Refugee Convention or the Qualification Directive because of the risk he would face on return to Kabul as a Hazara with mental health problems.

3. Ms Fitzsimmons relied on a substantial body of recent objective evidence concerning the circumstances faced by civilians in general, and Hazaras in particular, in Afghanistan. This included, amongst other things, reports from a country expert Tim Foxley dated 17 September 2018 and 8 April 2019, a UNHCR report on Afghanistan dated 30 August 2018, a Country Policy Information Note concerning Hazaras in Afghanistan dated August 2018, a UNAMA annual report on Afghanistan dated February 2019 and an EASO country guidance on Afghanistan dated June 2018. She also relied on a medico-legal report prepared by Dr Burman-Roy dated 10 April 2019 which described the appellant as suffering from depression and post-traumatic stress disorder.
4. It is not necessary for me to consider the evidence adduced by the appellant because Mr Walker, after hearing Ms Fitzsimmons make her submissions, accepted that there was sufficient evidence to show that the appellant, because of his particular circumstances, would be at risk of serious harm in Afghanistan. Given this concession by Mr Walker – and that the submissions of Ms Fitzsimmons were not opposed – the appellant’s protection claim is allowed.
5. I have made an anonymity order in this matter.

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

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

Signed



Deputy Upper Tribunal Judge Sheridan Dated: 25 June 2019