



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

Appeal Number: PA/11265/2019

**THE IMMIGRATION ACTS**

**Determined without a hearing  
Under Rule 34**

**Decision & Reasons Promulgated  
On 23<sup>rd</sup> June 2022**

**Before**

**UPPER TRIBUNAL JUDGE BLUNDELL**

**Between**

**AA (AFGHANISTAN)  
(ANONYMITY DIRECTION NOT MADE)**

Appellant

**and**

**SECRETARY OF STATE FOR THE HOME DEPARTMENT**

Respondent

**DECISION AND REASONS**

1. On 16 December 2021, I issued my first decision in this appeal. I found that the First-tier Tribunal (Judge Hussain) had erred materially in law in its decision to dismiss the appellant's appeal against the refusal of his claim for international protection. I set aside that decision in part and ordered that the decision on the appeal would be remade in the Upper Tribunal. I preserved certain findings of fact because they were not tainted by legal error.
2. The appeal was listed for a resumed hearing before me today, Monday 7 February 2022. On Friday, 4 February 2022, The Upper Tribunal received correspondence from David Clarke of the respondent's Specialist Appeals Team. Mr Clarke stated that the file had been reviewed in preparation for the hearing. As a result of that review, and on the particular facts of this case, it was accepted by the respondent that 'the Appellant has a well-founded fear of persecution on grounds of imputed political opinion in his home area and that internal relocation is not available.' As such the respondent invited the Tribunal to allow the appeal and to vacate the hearing.

3. At my request, the Upper Tribunal's staff made contact with the appellant's solicitors. By return, they confirmed in writing that they had no objection to the appeal being allowed on the basis suggested by the respondent and the hearing being vacated.
4. I am satisfied that both parties have had an opportunity to make representations on the course of action suggested by the respondent. Insofar as it is necessary, I consider that the concession made by the respondent is entirely appropriate on the facts of this case. I consider there to be no need for a hearing in the circumstances and I am content to determine the appeal without a hearing under rule 34 of the Tribunal Procedure (Upper Tribunal) Rules 2008.

### **Notice of Decision**

The appellant's appeal is allowed on asylum grounds.

### **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 his 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.

M.J.Blundell

Judge of the Upper Tribunal  
Immigration and Asylum Chamber

**7 February 2022**