



**Upper Tribunal
(Immigration and Asylum Chamber) Appeal Number: PA/10743/2019**

THE IMMIGRATION ACTS

**At Field House
On 30 March 2021**

**Decision & Reasons Promulgated
On 6 April 2021**

Before

UPPER TRIBUNAL JUDGE KOPIECZEK

Between

**MJ
(ANONYMITY DIRECTION MADE)**

Appellant

and

SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

**DECISION PURSUANT TO RULE 40(3)(a) OF THE TRIBUNAL PROCEDURE
(UPPER TRIBUNAL) RULES 2008**

1. In a decision promulgated on 22 January 2021, Upper Tribunal Judge Pickup set aside a decision of the First-tier Tribunal which dismissed the appellant's appeal against a decision dated 14 October 2019, being a decision to refuse a protection claim. He directed that there be a re-making of the decision in the Upper Tribunal.
2. By a response dated 28 January 2021, to directions given by the Upper Tribunal ("the Tribunal") the respondent accepts that the appellant would be likely to be required to perform military service on his return to Eritrea and that consequently he should be granted refugee status. Accordingly, the respondent invites the Tribunal to allow the appellant's appeal.

3. By email dated 25 March 2021, on behalf of the appellant the appellant's solicitors indicate that they have no objection to the course proposed by the respondent.
4. In the circumstances, I re-make the decision and allow the appeal on asylum grounds, and on human rights grounds under Article 3 of the ECHR.
5. Pursuant to rule 40(3)(a) of the Tribunal Procedure (Upper Tribunal) Rules 2008, no reasons (or further reasons) are required, the decision being made with the consent of the parties.

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

Because this is a protection claim, 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.

A.M. Kopieczek

Upper Tribunal Judge Kopieczek
30/03/2021

Date