



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

Appeal Number: UI-2022-000553
PA/51282/2020; IA/00767/2020

THE IMMIGRATION ACTS

**Heard at Bradford
On 14 October 2022**

**Decision & Reasons Promulgated
On 23 November 2022**

Before

UPPER TRIBUNAL JUDGE HANSON

Between

KS

(Anonymity direction made)

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Mr A Mackenzie of Counsel.

For the Respondent: Miss Young, a Senior Home Office Presenting Officer.

DECISION AND REASONS

- 1.** The appellant appeals with permission a decision of First-tier Tribunal Judge O'Hanlon who in a determination written following a hearing at Newcastle on 5 May 2021 dismissed the appellant's protection appeal but allowed the human rights of appeal for the reasons set out in the determination.
- 2.** The appellant, a citizen of Afghanistan born on 10 January 1962, is a follower of the Sikh faith.

3. Before the Upper Tribunal Miss Young conceded the error of law, including the materiality of the same, in light of the country situation prevailing in Afghanistan, and invited the Upper Tribunal to substitute a decision to allow the appeal. I do so, and in line with that view there is no need to say anything further in relation to this appeal.

Decision

4. **The Judge materially erred in law. I set the decision aside so far as it relates to the protection appeal.**
5. **I substitute a decision to allow the protection appeal.**

Anonymity.

6. The First-tier Tribunal made an order pursuant to rule 45(4)(i) of the Asylum and Immigration Tribunal (Procedure) Rules 2005.

I make such order pursuant to rule 14 of the Tribunal Procedure (Upper Tribunal) Rules 2008. No-one shall publish or reveal any information, including the name or address of the appellant, likely to lead members of the public to identify the appellant. Failure to comply with this order could amount to a contempt of court.

Signed.....
Upper Tribunal Judge Hanson

Dated 14 October 2022