



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

Appeal Number: PA/11144/2019

**THE IMMIGRATION ACTS**

**Decided at Field House  
On 3 December 2021**

**Decision & Reasons Promulgated  
On 4 January 2022**

**Before**

**UPPER TRIBUNAL JUDGE FRANCES**

**Between**

**S H  
(ANONYMITY DIRECTION MADE)**

Appellant

**and**

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

Respondent

**DECISION AND REASONS**

1. The appellant is a citizen of Afghanistan born in 1990. He appeals against the decision of First-tier Tribunal Judge J C Hamilton, dated 12 February 2020, dismissing his protection claim on asylum and human rights grounds.
2. The respondent conceded there was an error of law in the First-tier Tribunal decision and I set it aside for the reasons given in my decision dated 21 August 2020. The appeal was adjourned for re-hearing before the Upper Tribunal. The respondent accepted the appellant's employment history in Afghanistan.
3. On 2 December 2021, the respondent wrote to the tribunal in the following terms:

“Upon reviewing the papers today, it is apparent that the Secretary of State previously conceded the Appellant’s employment history (2009 – 2019) at paragraph 42 of FTIJ Hamilton’s determination of 12/2/20,

*“.....it was now accepted that he had worked at Camp Morehead [US base interpreter], for the Afghan Ministry of Defence (as a contractor working for G Tech), as ‘Local Council Assistant Specialist at Directorate of International Relations and Local Government’, at the Administrative Office of the President’ (“AOP”), then as an IT specialist in the Ministry of Finance and then into the game to the UK, for the Afghan Cricket Board.”*

I am mindful that the October 2021 CPIN “Afghanistan: Fear of the Taliban” states,

“2.4.11 However, the current evidence suggests that persons likely to be at risk of persecution, because they may be considered a threat or do not conform to the Taliban's strict interpretation of Sharia law, include but are not limited to:

- Former government employees and members of the Afghan National Armed Forces (ANSF), including the police
- Former employees/those linked to international forces and organisations, including interpreters”

In this regard, I have further taken into account the background evidence identified at CPIN paragraphs 5.2, “persons associated with or supporting, the Afghan government or international community” and 5.3 “persons associated with international military forces, including interpreters”.

In the light of this evidence and the policy view expressed at 2.4.11, it is conceded that the Appellant has a well-founded fear of persecution in Afghanistan and is therefore a refugee by reference to Article 1A of the Convention.

Accordingly, the Upper Tribunal is respectfully invited to allow the Appellant’s appeal and vacate tomorrow’s hearing.”

4. The respondent accepts the appellant is a refugee. I therefore allow the appellant’s appeal on asylum and human rights grounds.

## **Notice of decision**

### **Appeal allowed**

**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.

**J Frances**

Signed  
Upper Tribunal Judge Frances

Date: 9 December 2021

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**NOTIFICATION OF APPEAL RIGHTS**

1. A person seeking permission to appeal against this decision must make a written application to the Upper Tribunal. Any such application must be **received** by the Upper Tribunal within the **appropriate period** after this decision was **sent** to the person making the application. The appropriate period varies, as follows, according to the location of the individual and the way in which the Upper Tribunal's decision was sent:
2. Where the person who appealed to the First-tier Tribunal is **in the United Kingdom** at the time that the application for permission to appeal is made, and is not in detention under the Immigration Acts, the appropriate period is **12 working days (10 working days, if the notice of decision is sent electronically)**.
3. Where the person making the application is in detention under the Immigration Acts, **the appropriate period is 7 working days (5 working days, if the notice of decision is sent electronically)**.
4. Where the person who appealed to the First-tier Tribunal is **outside the United Kingdom** at the time that the application for permission to appeal is made, the appropriate period is **38 days (10 working days, if the notice of decision is sent electronically)**.
5. **A "working day" means any day except a Saturday or a Sunday, Christmas Day, Good Friday or a bank holiday.**
6. **The date when the decision is "sent" is that appearing on the covering letter or covering email**