



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

Appeal Number: PA/07315/2016

**THE IMMIGRATION ACTS**

**Heard at Birmingham Employment Decision and Reasons  
Tribunal promulgated  
on 8 February 2018 On 13 February 2018**

**Before**

**UPPER TRIBUNAL JUDGE HANSON**

**Between**

**BSK  
(anonymity direction made)**

Appellant

**and**

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

Respondent

**Representation:**

For the Appellant: Miss Fisher instructed by Maalik & Co Solicitors.

For the Respondent: Mr Mills Senior Home Office Presenting Officer

**DECISION AND REASONS**

1. This appeal involves a family of Afghan Sikhs originally from Jalalabad. On 27 September 2017 the Upper Tribunal found the First-tier Tribunal had made an error of law material to the decision to dismiss the appeal as a result of which the matter was listed for a Resumed hearing before the Upper Tribunal on 8 February 2018.

2. Directions were given for the provision of evidence to be relied upon which the appellant complied with. The appellant's documents include a further expert country report. Miss Fisher also places reliance upon the country guidance case relating to the risk to Afghan Sikhs of *TG and others (Afghan Sikhs persecuted) Afghanistan CG [2015] UKUT 00595 (IAC)*.
3. In light of the evidence provided that shows that even if the appellant's parents were still in Afghanistan they will now be in their 80's and not likely to be working or able to provide a viable form of adequate support for this family unit, the fact the point of return will be to Kabul in relation to which it had not been established the appellants have any realistic source of income or support or prospects of being able to earn a living in that city, on the facts, leading to destitution, in light of the continued deterioration in the country situation since the publication of *TG*, and in light of the fact the younger of the appellant's two sons would either be denied the opportunity to pursue an education or have to be educated in mainstream schooling in which case he is liable to be subjected to treatment sufficient to amount to persecution on the basis of his religious identity and/or which will cross the high threshold of article 3 in any event, Mr Mills conceded that on this occasion the Secretary of State accepted that the appellant was entitled to succeed with the appeal.

**Decision**

4. **I remake the decision as follows. This appeal is allowed.**

Anonymity.

5. 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.

Signed.....  
Judge of the Upper Tribunal Hanson

Dated the 8 February 2018