



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

Appeal Number: PA/00877/2018

**THE IMMIGRATION ACTS**

**Heard at Manchester CJC**

**Decision & Reasons**

**On 23 January 2019**

**Promulgated**

**On 14 February 2019**

**Before**

**DEPUTY UPPER TRIBUNAL JUDGE O'RYAN**

**Between**

**MASTER R N  
(ANONYMITY DIRECTION MADE)**

Appellant

**and**

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

Respondent

**Representation:**

For the Appellant: Ms Smith, Counsel, instructed by Paragon Law

For the Respondent: Mr Tan, Senior Home Office Presenting Officer

**DECISION AND REASONS**

UPON hearing from Ms Smith of Counsel for the Appellant and from Mr Tan, Senior Home Office Presenting Officer for the Respondent

AND UPON considering: the decision of Judge of the First-tier Tribunal Broe dated 19 March 2018 dismissing the Appellant's appeal against the decision of the Respondent dated 6 May 2016 refusing his protection claim; the Appellant's grounds of appeal dated 3 April 2018 and renewed grounds of appeal dated 11 May 2018; and the grant of permission to appeal by Deputy Upper Tribunal Judge Saffer dated 20 August 2018

AND UPON it being agreed between the parties that:

(i) at paragraph 24 of his decision the judge found that the Appellant faced a real risk of serious harm from the Taliban in his home area of Langman Province;

(ii) whereas the judge was silent as to whether or not any such risk arose for reason of a Refugee Convention reason, the risk to the Appellant in Langman Province arose for reason of his imputed political opinion;

(iii) the judge thereafter held that there would exist for the Appellant a real risk of serious harm upon any attempted internal relocation to Kabul, the Appellant thereby surpassing the requirement that he establish that internal relocation would be unreasonable or unduly harsh;

(iv) that such risk of harm in Kabul would also exist for the Refugee Convention reason of the Appellant's age; being an immutable characteristic.

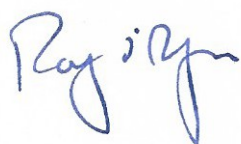
AND UPON the Tribunal being satisfied that it is appropriate to make such an order.

IT IS HEREBY ORDERED, by consent, under Rule 39 Tribunal Procedure (Upper Tribunal) Rules 2008 that:

- (1) The decision is set aside.
- (2) The appeal is allowed under the Refugee Convention.

Signed

Date: 10.2.19

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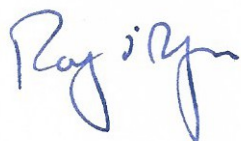
Deputy Upper Tribunal Judge O'Ryan

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

The Appellant is a minor advancing 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 their 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.

Signed

Date: 10.2.19

A handwritten signature in blue ink, appearing to read 'P. O'Ryan', is written over the printed name.

Deputy Upper Tribunal Judge O’Ryan