



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

Appeal Number: PA/05395/2017

THE IMMIGRATION ACTS

Heard at Field House

On 26th January 2018

**Decision &
Promulgated**

On 27th February 2018

Reasons

Before

DEPUTY UPPER TRIBUNAL JUDGE ZUCKER

Between

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Appellant

and

R S S

(ANONYMITY DIRECTION MADE)

Respondent

Representation:

For the Appellant: Mr D Clarke, Senior Home Office Presenting Officer

For the Respondent: Ms V Easty, Counsel instructed by Sriharans Solicitors, Southall

DECISION AND REASONS

1. [RSS] is a citizen of Afghanistan, whose date of birth is recorded as [] 1963. He made application for international protection as a refugee on the basis of his being persecuted as a Sikh. The Secretary of State refused his application and he appealed. On 5th July 2017 his appeal was heard by Judge of the First-tier Tribunal Greasley sitting at Taylor House. Judge Greasley made positive findings throughout and having regard to the guidance in various cases, including **TG and others [2015] UKUT 595 (IAC)**, allowed the appeal on all grounds.

2. Not content with that decision the Secretary of State made application for permission to appeal, which application was granted by Judge of the First-tier Tribunal Andrew on 12th October 2017.
3. It is not necessary for me to say very much in this appeal because Mr Clarke quite properly and fairly accepts that given the grounds do not challenge any of the findings he cannot in reality challenge the eventual finding of the judge that the Appellant in the First-tier Tribunal would be at risk on return. If it helps Mr Clarke in any way, my preliminary view was precisely the same. The findings which were made by the judge were clearly open to him. Whether a different judge would have made different findings is not the issue, these findings were made and they were based upon the evidence. It is a well-reasoned decision and eventually the judge came to a conclusion, as I say, that was open to him. In those circumstances the appeal of the Secretary of State is dismissed. The decision of the First-tier Tribunal shall stand.
4. The anonymity direction will be maintained.

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 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: 22 February 2018

Deputy Upper Tribunal Judge Zucker