



IAC-AH-CJ-V1

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

Appeal Numbers: AA/06014/2014  
AA/06358/2014

**THE IMMIGRATION ACTS**

**Heard at Bradford  
On 25 August 2015**

**Decision & Reasons Promulgated  
On 21 December 2015**

**Before**

**UPPER TRIBUNAL JUDGE CLIVE LANE**

**Between**

**AAH  
WUH  
(ANONYMITY DIRECTIONS MADE)**

Appellants

**and**

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

Respondent

**Representation:**

For the Appellants: Miss Khan, instructed by Parker Rhodes Hickmotts,  
Solicitors

For the Respondent: Mrs Pettersen, Senior Home Office Presenting Officer

**DECISION AND REASONS**

1. The appellants, AAH and WUH, were born in 1982 and 1988 respectively, are brothers, and citizens of Afghanistan. The appellants entered the United Kingdom as students and returned to Afghanistan but returned to the United Kingdom and claimed asylum in 2013. By decisions dated 4 August 2014, the appellants were refused asylum and decisions were taken to remove them from the United Kingdom by way of directions. The

appellants appealed against those decisions to the First-tier Tribunal (Judge Turnock) which, in a decision promulgated on 8 January 2015, dismissed the appeal. The appellants now appeal, with permission, to the Upper Tribunal.

2. It was the basis of the appellants' case before the First-tier Tribunal that they would face a real risk of persecution from members of the Afghan parliament due to political opinions imputed to them. The appellants are the sons of SAH who held a position of seniority within a department of the Afghan government. The judge concluded that neither appellant was at real risk of persecution or ill-treatment upon return to Afghanistan.
3. There are three grounds of appeal. First, it is asserted that the judge wrongly demanded corroboration of evidence when assessing the credibility of the appellants. At [81] the judge noted that the appellants claimed that there had been an attack on their father and their father had been in talks with the police and the Afghan government to "provide further safety as well as catch the people responsible" (*sic*). Those talks appear to have occurred in August 2013 at a time when the appellants returned to the United Kingdom to attend their graduation ceremony scheduled for November that year. The judge observed, "[the claim that the appellants' father is in talks with the police] would be consistent with the police having taken an attack in July [2013] seriously which would mean that some evidence of a police report could be expected". At [91] the judge noted that, at the end of November 2013, the appellants claimed that they had called their employers to let them know they would not return to Afghanistan as they were in danger. The judge wrote,

"... they claim that they were told that armed men had attended their places of employment [in Afghanistan] looking for them. No evidence has been provided from either place of employment confirming that such events took place. I do not find that claim to be credible."

Further, the appellants claimed that their father was treated for injuries in hospital following an attack in July 2013 by two "unknown men on a motorbike". The judge observed that there was

"... no indication of the precise nature of the injuries suffered nor whether such injuries are consistent with a claimed attack. There is no evidence of the police becoming involved nor any report in any media evidence provided of any attack upon a senior government officer."

4. I do not consider that the judge has penalised the appellants in his credibility assessment by unreasonably demanding corroboration of their accounts. In each of the cases which I have described above, the judge has recorded that there had been made available no evidence from sources which would have been very likely to have produced written reports or notes of the events in question and, in the case of physical injuries (*viz.* the treatment of the appellants' father at hospital) a contemporaneous medical report or record. In the case of the physical injuries, it was reasonable of the judge to observe that the letter from the Spin Ghar Hospital had been unexpectedly vague in referring only to the

dressing of “wounds” and the issuing of a “medical prescription”. It was reasonable of the judge to doubt the credibility of that part of the account in the light of the vagueness of the medical evidence provided. In the case of the incident reported by the father to the police, it was also reasonable for the judge to take into account the absence of a police report. There is no suggestion that the judge sought to criticise the appellants for having left Afghanistan without first obtaining and bringing with them corroborative documentary evidence. He was, however, entitled to place little weight on the medical report because it was so vague and to have some doubt regarding the alleged attack on the appellants’ father not only because of the inadequacy of the medical report but because there had been also no police report evidence provided where such a report might have been expected.

5. Secondly, the judge is criticised for having failed to consider the appellants’ evidence “in the round”. That ground has no merit. The judge has carried out a very detailed factual assessment and I am satisfied that he has not reached any conclusions as to the credibility of the account which was put to him without first considering all the evidence both written and oral.
6. Thirdly, the judge is criticised for having arrived at conclusions which were not open to him on the evidence. At [95], Judge Turnock stated that the appellants had secured jobs in Afghanistan but that they would “no doubt feel more secure living in the UK”. The argument advanced is that, if generalised dangers were in existence when the appellants returned to Afghanistan and had sought and obtained jobs there, then the “general country situation” could not have explained their fear of returning in 2013. That ground of appeal is without merit. It is entirely reasonable for the judge to observe that, although they had jobs in Afghanistan, the appellants might feel more secure living in the United Kingdom which, by any standards, is a safer environment than Afghanistan. It was open to the judge to place weight on the fact that the appellants had left jobs in Afghanistan to come to the United Kingdom and that this supported their claim to have a subjective fear of living in Afghanistan but, equally, it was open to the judge to conclude that the appellants had come to the United Kingdom because they might have better financial and other prospects living here rather than in Afghanistan.
7. Judge Turnock has produced a careful, even-handed and detailed decision. He has had regard to all relevant evidence and has supported his findings of fact with clear and cogent reasoning. I find that he has not erred in law for the reasons asserted in the grounds of appeal or at all. Accordingly, the appeal is dismissed.

### **Notice of Decision**

8. The appeals are dismissed.

**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 20 November 2015

Upper Tribunal Judge Clive Lane