



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

Appeal Number: PA/08369/2016

**THE IMMIGRATION ACTS**

**Heard at Bradford**

**On 6<sup>th</sup> September 2017**

**Decision & Reasons  
Promulgated**

**On 13<sup>th</sup> September 2017**

**Before**

**DEPUTY UPPER TRIBUNAL JUDGE D E TAYLOR**

**Between**

**MI  
(ANONYMITY DIRECTION MADE)**

Appellant

**and**

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

Respondent

**Representation:**

For the Appellant: Mr Thornhill of Thornhill Solicitors

For the Respondent: Mrs Pettersen, HOPO

**DECISION AND REASONS**

1. This is the appellant's appeal against the decision of Judge Moore made following a hearing at Bradford on 4<sup>th</sup> January 2017.
2. The appellant is a national of Afghanistan born on [ ] 1980. He arrived in the UK in December 2008 and claimed asylum. The claim was later withdrawn and the appellant absconded. He made further submissions on 15<sup>th</sup> June 2012 which resulted in the asylum decision, dated 1<sup>st</sup> August 2016, which was the subject of the appeal before the Immigration Judge.

3. The appellant claimed that he worked for the army in Kandahar but was suspected by them of joining the Taliban, and was sent to prison but escaped during a Taliban attack. He feared a return to Afghanistan because he had escaped from army custody there and also because the Taliban had threatened him because of his work with NATO forces. They had issued threatening letters to him. His mother and brother were now forced to live in Pakistan.
4. The judge, in a lengthy determination, said that the appellant's account was vague, inconsistent, implausible, lacking in credibility and generally unreliable. However, as Mrs Pettersen acknowledged, it is very difficult to see from this determination what the reasons were for the judge concluding as he did.
5. The judge clearly had concerns about the way in which the appellant came to produce the documents which he relied on, namely the original Taliban threatening letters, but did not engage with the contents of those letters. Nor did he make any reference to the documents provided by the appellant in support of his claim to have been in the Afghan armed forces. No conclusions were reached in relation to whether the oral evidence given by the appellant's witness was credible or not.
6. Clearly the appellant will have to address the issue of whether, even if true, the historic events upon which he seeks to rely would place him at risk on return to Afghanistan now. Be that as it may, all parties agreed that the decision would have to be reheard so that credibility findings can be remade.
7. The original judge erred in law because he did not provide adequate reasons for his conclusions. The decision is set aside. It will have to be reheard before an Immigration Judge. The appellant has apparently moved to Blackburn and accordingly the appeal is transferred to be heard at the Manchester Hearing Centre.

**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 11 September 2017

Deborah Taylor

Deputy Upper Tribunal Judge Taylor