



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

Appeal Number: PA/10358/2016

**THE IMMIGRATION ACTS**

**Heard at Bradford  
On 2 August 2017**

**Decision & Reasons Promulgated  
On 29 November 2017**

**Before**

**UPPER TRIBUNAL JUDGE LANE**

**Between**

**MANMON SINGH  
(ANONYMITY DIRECTION NOT MADE)**

Appellant

**and**

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

Respondent

**Representation:**

For the Appellant: Mr Brown, instructed by Legal Justice Solicitors  
For the Respondent: Ms R Pettersen, a Senior Home Office Presenting Officer

**DECISION AND REASONS**

1. The appellant, Manmon Singh, a male citizen of Afghanistan of the Sikh religion, was born on 1 January 1966. He arrived in the United Kingdom in March 2016 and claimed asylum. By a decision dated 19 September 2016, the respondent refused the appellant's claim. The appellant appealed to the First-tier Tribunal (Judge Hillis) which, in a decision promulgated on 27

February 2017, dismissed the appeal. The appellant now appeals, with permission to the Upper Tribunal.

2. There are three grounds of appeal. First, the appellant challenges the judge's treatment of the expert evidence of Dr Giustozzi. Central to the appellant's account of events in Afghanistan was his claim that is that an attempt had been made to abduct his 16 year old daughter. The appellant claims to have kept a stall selling food. His daughter travelled on her own to the stall to buy pakoras. At [34], Judge Hillis found that the appellant's account was "both vague and inconsistent with the expert report and background material." Judge Hillis did not consider it likely that a 16 year old Sikh woman would travel out of the family home on her own in Afghanistan. The judge also criticised the appellant's account whereby he claimed to have removed his daughter from the custody of men who sought to convert her to Islam and to marry her. The judge noted that the appellant had given "no specific account of how he managed to 'prise' his daughter away from the men." He noted that the account was also "inconsistent with his own claim [that] the Muslim majority [take] what they want from the Sikhs and beating them with impunity and risk of any repercussions (sic)". The appellant asserts that the judge erred by finding the account of the appellant to be inconsistent with the expert evidence. Dr Giustozzi had found the appellant's claim to be "plausible". Further, the appellant's daughter was a minor and not a "woman".
3. I find that the judge's finding is sound. It is true the judge has stated that the appellant's account was inconsistent with the expert report but I observe also that the judge has said that the appellant's account was not consistent with the background material relating to Afghanistan which does indicate that women are not seen out of doors without the accompaniment of other women or a male family member. I consider the expert report also supports the judge's findings. Dr Giustozzi at [43] states that it is "very rare for Hindu and Sikh families to take their women out and particularly without the cover of a burka or at least in central Kabul covering the hair and the rest of the body except for the face." The expert adds, "I have never seen a recognisable Hindu or Sikh woman" and goes on to say that "it would be unthinkable today for a Hindu or Sikh man to let a female member of his family travel outside the family home alone." The distinction made in the grounds between a Sikh "woman" and a "girl" (i.e. a 16 year old) is not borne out by the expert's evidence. Indeed, it is only older Sikh women who the expert considers likely to travel outside the family home. The expert refers to "female members" of a Sikh's family but makes no distinction as between young and mature women. The grounds also fail to address the judge's finding that the appellant's account was inconsistent with the appellant's own claim that "the Muslim majority" take "what they want from Sikhs and do so with impunity". The judge's findings at [34] were open to him on the evidence and he has supported his finding with adequate reasoning.
4. Secondly, the appellant claimed that, following the attempted abduction, he reported the matter to the police in Jalalabad. He claimed that the

police did not assist him. The judge at [29] found that the police did assist so far as they were able but could not take the case any further because of lack of detail provided by the appellant. The country guidance of *TG and Others (Afghan Sikhs persecuted) CG* [2015] UKUT 595 claimed by the appellant to support his assertion that the police will not assist Sikhs.

5. I find the ground has no merit. At [29], the judge records that the appellant went twice to the police to “check what was being done in respect of the attempted abduction.” Not unreasonably, given the lack of detail which the appellant was able to provide them, the police “stated that they could not find the people [the appellant] claimed were responsible.” The appellant’s daughter and the appellant did not know or could not identify the men who had attempted the abduction. The judge also noted that the police had “patrolled the area with some positive effect as the thieves ran off when they arrived.” I do not find Judge Hillis’ observations and findings are at odds with the country guidance.
6. Thirdly, the appellant asserts that the judge failed to assess the position of the appellant’s daughter who was 16 years old at the date of the hearing in the First-tier Tribunal and will have been legally required to attend school. The Tribunal in *TG* found that access to appropriate education for children in the light of discrimination against Sikh communities indicated that there was “a shortage of adequate education facilities for them.” [119(iii)(d)]. The appellant asserts the judge failed properly to consider the daughter’s difficulties on return to Afghanistan in accessing appropriate education. I disagree. Access to education of Sikh girls may be problematic but the country guidance indicates there is “shortage of adequate education facilities”; there is no evidence to suggest that no facilities whatever exist “no evidence to show that such educational discrimination as the child might face is so serious or widespread in Afghanistan to justify granting her asylum together with the other members of her family.” It would have been helpful if the judge had addressed the point more thoroughly in his decision but his failure to do so does not, in my opinion, vitiate that decision.
7. In the circumstances and for the reasons which I have given above, the appeal is dismissed.

### **Notice of Decision**

This appeal is dismissed.

No anonymity direction is made.

Signed

Date 30 October 2017

Upper Tribunal Judge Lane  
**TO THE RESPONDENT**  
**FEE AWARD**

I have dismissed the appeal and therefore there can be no fee award.

Signed

Date 30 October 2017

Upper Tribunal Judge Lane