



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

Appeal Number: PA/12656/2016

**THE IMMIGRATION ACTS**

**Heard at Field House  
On 5 September 2017**

**Decision & Reasons Promulgated  
On 15 September 2017**

**Before**

**UPPER TRIBUNAL JUDGE ALLEN**

**Between**

**[K F]  
(ANONYMITY DIRECTION MADE)**

Appellant

**and**

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

Respondent

**Representation:**

For the Appellant: Mr I Palmer, instructed by Barnes Harrild & Dyer Solicitors  
For the Respondent: Mr D Clarke, Senior Home Office Presenting Officer

**DECISION AND REASONS**

1. The appellant is a national of Afghanistan. He appealed to a Judge of the First-tier Tribunal against the Secretary of State's decision on 4 November 2016 refusing to grant asylum.
2. The judge accepted the credibility of the appellant's claim, as summarised at paragraph 38 of his decision. He therefore accepted the appellant's account that his father was working for the government in the police force. He accepted that the family home in Kunduz was raided by the Taliban, his father was taken away and subsequently killed and the appellant and his

family were able to escape when government forces attacked Kunduz, and they then travelled to Kabul where his maternal uncle made arrangements for the appellant's whole family to leave Afghanistan. The appellant became separated from his mother in France. At the date of the hearing the appellant was 14 years and 6 months old. The judge accepted that he was reasonably likely to be at risk on return to Kunduz but considered that he could relocate to his home area in Kapisa or relocate to Kabul. He therefore dismissed the appeal.

3. The appellant sought, and was granted, permission to appeal on the basis that in light of the judge's positive findings, the judge had erred in failing to consider the appellant's claim that he was unable to contact members of his extended family and also the reasonableness of internal relocation to Kapisa or Kabul in light of his youth.
4. At the hearing before me Mr Clarke referred to the statement at paragraph 109 of the decision letter that the respondent was not satisfied that adequate reception arrangements in the appellant's country were available. In light of that concession and the judge's positive findings, he considered that the appeal could not be opposed and conceded it.
5. I am grateful to Mr Clarke for his realistic and helpful submissions. In light of the combination of the judge's positive findings and the concession in the decision letter, I consider that it has been shown that the judge's decision contained errors of law and as a consequence for his decision dismissing the appeal is substituted a decision allowing the appeal under the Refugee Convention.

**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  
Upper Tribunal Judge Allen

Date

8 September 2017