



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

Appeal Number: PA/05719/2017

THE IMMIGRATION ACTS

**Heard at Field House
On 12th January 2018**

**Decision & Reasons Promulgated
On 06th February 2018**

Before

UPPER TRIBUNAL JUDGE MARTIN

Between

**M O N
(ANONYMITY DIRECTION MADE)**

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Mrs A Mughal (instructed by Montague Solicitors LLP)
For the Respondent: Mr S Kotas (Senior Home Office Presenting Officer)

DECISION AND REASONS

1. This is an appeal to the Upper Tribunal, with permission, by the Appellant, who is a young man from Afghanistan born in 2003. His asylum claim was refused by the Secretary of State and his appeal against that Decision came before Judge M A Khan at Harmondsworth on 13th July 2017. In a Decision promulgated on 7th August 2017 the appeal was dismissed.
2. The grounds assert that the judge made no findings about how the Appellant was expected to return to Kabul and whom he was expected to stay with and failed to deal properly with the issue of risk on return. It is also said that the judge failed to consider that the Taliban would be able to pursue the Appellant in Kabul.

3. The Decision and Reasons sets out the claim and the evidence that the judge heard, which was from the Appellant and his father. It sets out the evidence and the cross-examination of both witnesses in some detail as well as the submissions.
4. The judge then starts to make findings on credibility at paragraph 33 through to paragraph 39 and it is fair to say that the judge found the claim to be entirely without credibility. He correctly reminded himself that the Appellant was only 14 and that he should be cautious when considering his evidence. However, the judge also found that the Appellant was old enough to know whether he was telling truths or untruths and found for numerous reasons that the evidence contained a mixture of truths and half-truths and complete untruths.
5. There were significant discrepancies between the evidence of the Appellant and his father and it is fair to say that the father's evidence was woeful in that he was evasive, vague and certain questions he simply refused to answer. The father had been back to Afghanistan, as the judge found, more than three occasions and as a result the judge simply did not believe that nobody knew where his wife, the Appellant's mother, and siblings were and in fact in all likelihood they were in Kabul.
6. As Mr Kotas points out, the Appellant's claimed fear was of his uncle, not specifically the Taliban and so the point about the Taliban being able to locate him is without merit. The point about the risk to him in Kabul is properly dealt with by the judge on the basis that it is likely that his mother and siblings are living in safety in Kabul. They have had the protection of the authorities in the past and the Appellant would not be travelling alone to Kabul in any event. There is nothing to prevent his father going with him, his father having been back several times already and that being the case this is not the case of a child being returned unaccompanied to Kabul.
7. I therefore find that there is no material error of law in this Decision and Reasons and therefore the appeal to the Upper Tribunal is dismissed.

Notice of Decision

The appeal is 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 his 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 2nd February 2018

Upper Tribunal Judge Martin