



Case No: JR-2022-LON-001513

IN THE UPPER TRIBUNAL
(IMMIGRATION AND ASYLUM CHAMBER)

Field House,
Breams Buildings
London, EC4A 1WR

4 and 5 July 2023

Before:

UPPER TRIBUNAL JUDGE OWENS

Between:

THE KING
on the application of
GR
[Anonymity Direction Made]

Applicant

- and -

LONDON BOROUGH OF CROYDON

Respondent

Mr Donnchadh Greene
(instructed by Osbornes Law), for the applicant

Mr Lindsay Johnson
(instructed by London Borough of Croydon for the respondent)

Hearing date: 4 and 5 July 2023

J U D G M E N T

Judge Owens:

1. The applicant originally applied for a judicial review of the respondent's decision made on 21 June 2022, that the applicant was not the age claimed. The applicant originally sought an order declaring the short form age assessment to be unlawful, quashing the assessment and an order for respondent to conduct a compliant assessment. In these judicial review proceedings, because of the chronology of events, by the time this Tribunal held the fact-finding hearing, the short form assessment had been withdrawn and a further age assessment had taken place.
2. My task in accordance with directions dated 4 October 2022 is to determine the applicant's age and date of birth in order to determine whether he was under 18 at the time that he arrived in the UK.
3. The hearing took place on 4 and 5 July 2023 in person.

Chronology

4. The applicant is a national of Afghanistan who arrived in the United Kingdom on or about 11 October 2021. On his arrival in the UK, he was assessed as being an adult by the Home Office. It was believed that his appearance strongly suggested he was over 25 and he was assigned a date of birth of 26 March 1996. After quarantine, he was placed in accommodation for adult asylum seekers in the Croydon area. On 25 March 2022 the applicant's immigration solicitors sent a copy of the applicant's Taskira to the Home Office. The Taskira was issued on 31 May 2014 and said, based on physical appearance, that the bearer was 9 years old on that date. The applicant was then referred to the London Borough of Croydon by Refugee Council. The respondent did not respond. Following a pre-action letter, the respondent carried out an age assessment on 6 June 2022. A document dated 21 June 2022 confirmed that the conclusion of the age assessment was that the applicant was 25 years or older.
5. Following pre-action correspondence, a judicial review claim and an application for interim relief were filed on the applicant's behalf on 2 August 2022. On 5 September 2022, Gavin Mansfield KC sitting as a DHCJ, granted permission to proceed and interim relief in the form of support and accommodation as a child under s20 Children Act 1989. The proceedings were by the same order transferred to the Upper Tribunal (Immigration and Asylum Chamber) for there to be a fact-finding hearing relating to the precedent fact of age.
6. The applicant was moved to a temporary placement on 8 September 2022. On 12 September 2022 he was moved to a foster care placement in Upper Norwood.
7. On 21 September 2022 the respondent indicated that the previous assessment would be withdrawn and a full assessment carried out by the end of 2022.

8. On 4 October 2022 by way of directions the matter was set down for a fact-finding hearing to resolve the disputed issue of the applicant's age and listed for a Case Management Hearing. At a Case Management Hearing on 23 January 2023, UTJ Mandalia approved a consent order setting out directions for the claim going forward which included a direction for both parties to submit their position statements in respect of the new age assessment and for the matter to be set down for a fact-finding hearing to resolve the disputed issue of the applicant's age.
9. On 2 February 2023 the respondent completed a new assessment and informed the applicant that he was found to be 21 years old. The assessment was served on the applicant's solicitors on 6 February 2023.

Procedural History

10. The Upper Tribunal issued directions for the future conduct of this case as noted above.
11. There were various further orders extending time for the service of documents. On 15 June 2023 the applicant served his skeleton argument. On 4 July 2023 the respondent filed and served its position statement with an application to extend time. The reason provided for the late service was because the respondent was considering settling the matter. I extended time because the applicant was not prejudiced by the late service and because the skeleton argument was necessary to determine the application.

The Applicant's Case

12. The applicant is a citizen of Afghanistan born in Tora Kala in the Tagab district of the Kapisa province of Afghanistan. He speaks Pashto. He does not know his date of birth or his exact age. Growing up he lived with his mother, father and five siblings in a mud dwelling. His father was a farmer growing pomegranates, wheat, corn and radish. He helped his father on the farm. His mother was a housewife. He attended school for 6 years in Afghanistan, but his education was intermittent due to the instability in his area. He is not fully literate in Pashto. His father has passed away. He claims that his brother was abducted by the Taliban in 2021 and died about three months later. His brother's body was returned to the family by the Red Cross. He then claims to have been threatened by the Taliban and left Afghanistan.
13. He had a traumatic six-month journey to the UK. He crossed from Afghanistan into Iran and then travelled onto Turkey. There were several attempts to enter Turkey in the boot of a car and he was badly beaten by the Turkish authorities. When he did enter Turkey, he was made to stay in a basement with many other people with little

food. He then crossed to Greece in a boat before travelling to Austria via Serbia, Macedonia and Hungary on foot. He describes a harrowing journey when he often did not have enough to eat and was tired. He was also beaten in other places. He gave evidence that he was beaten in Hungary. He was apprehended in Austria where he was kept in a camp for about two weeks. He then travelled onto France via Switzerland. In France he was living outdoors. He made several attempts to cross to the UK before he eventually boarding a dinghy with about 40 other men. At some point the boat he was in started breaking up. He was rescued by the coastguard and taken to Dover. He thought he was going to die. He has a problem in his genital area which he attributes to being beaten in Turkey for which he has received scans.

14. The applicant maintains that he was nine years old when his Taskira was issued on 10/03/1384 in the Afghan calendar which converts to 31 May 2014 in the Gregorian calendar. He says he was 16 years old on his arrival in the UK and 17 years old when he was referred to London Borough of Croydon and at the date of the initial age assessment in June 2022. He states that he took a photograph of his Taskira on his mobile phone before leaving Afghanistan. He sent a copy of the document to a migrant he was travelling with and after he lost his phone and was provided with a new phone the photograph of the document was sent back to him. He had a copy of the document on his phone on his arrival in the UK. He maintains that he is at risk on return to Afghanistan. He says that he has consistently told the truth about his Taskira and has given an accurate and truthful account of how and why he left Afghanistan, and his journey to the United Kingdom.

The Respondent's Case

15. The respondent's case is that the applicant is older than he has stated. The Taskira was sent to him later from Afghanistan and he did not have it on his phone when he arrived. His account is not credible. In any event the applicant does not know his date of birth.
16. The respondent relies on the second full age assessment decision. The assessors' view is that the applicant appears older than 18. They noted in particular the applicant's thick eyebrows, stubble, defined Adam's apple and triangular face shape. The assessors took into account the applicant's alleged reluctance to show them a copy of the Taskira on his phone, his failure to show it to immigration officers on arrival, and the appearance of the Taskira itself. They gave weight to discrepancies between the applicant's stated date of birth, inconsistencies in information he shared in his previous assessment about his family composition and his journey from Afghanistan to the UK, as well as a perceived reluctance to answer questions and a perceived withholding of information. They also took into account his failure to disclose the injury to his genitals.

The Hearing

17. At the outset of the hearing, I checked that the applicant understood the interpreter who was speaking Pashto and I explained to him what was going to happen. I proceeded on the basis that he is a vulnerable witness because he grew up in a conflict zone and his evidence is that his father and brother have both been killed and he has experienced considerable trauma both in Afghanistan and during his journey to the UK. He has been witnessed by various professionals to be visibly distressed when talking about the death of his brother and in the view of his social worker he has mental health problems. I checked whether any particular steps should be adopted. It was explained to the applicant that he could take breaks if needed and that if he had any questions or did not understand anything then he should ask and I would do my best to assist him. I heard evidence from the applicant on the first day. He gave evidence through the Pashto interpreter. No material difficulties arose. I also heard evidence from Mr Ali, the applicant's former foster carer. The following day, I heard submissions from Mr Greene and Mr Johnson, both of whom relied on their skeleton arguments.
18. In addition to these I had before me the following:-
- (a) consolidated bundle, paginated from 1 to 408 (volume 1);
 - (b) supplementary bundle, paginated from 1 to 334 (volume 2);
 - (c) authorities bundle, paginated 1 to 437 (volume 3).

Agreed issues:

19. The primary task of the Tribunal is to determine the probable age and date of birth of the applicant. In order to determine those issues the Tribunal should determine:
- (a) Whether the Taskira produced by the applicant is on the balance of probabilities a genuine document which evidences his age.
 - (b) The credibility of the applicant's account.
 - (c) The weight to be placed upon the respondent's age assessment dated 22 February 2023.
 - (d) The weight to be placed on third party opinion evidence.

The Law

20. There is significant agreement between the parties as to the applicable law which I consider is as summarised in R (AS) v Kent County Council (age assessment; dental evidence) [2017] UKUT 446 (IAC). It is unnecessary to set out the relevant passages from AS at

11 to 21 in detail. In addition to that summary, it is appropriate to consider particular passages cited. In R (CJ) v Cardiff City Council [2011] EWCA Civ 1590 the Court observed at paragraph [23]:

“Where the issue is whether the claimant is a child for the purposes of the Children Act it seems to me that the application of a legal burden is not the correct approach. There is no hurdle which the claimant must overcome. The court will decide whether, on a balance of probability, the claimant was or was not at the material time a child.”

21. Also in R (B) v LB of Merton [2003] EWHC 1689 at [28] and [37] , Stanley Burnton Judge held:

28. Given the impossibility of any decision maker being able to make an objectively verifiable determination of the age of an applicant who may be in the age range of, say, 16 to 20, it is necessary to take a history from him or her with a view to determining whether it is true. A history that is accepted as true and is consistent with an age below 18 will enable the decision maker in such a case to decide that the applicant is a child. Conversely, however, an untrue history, while relevant, is not necessarily indicative of a lie as to the age of the applicant. Lies may be told for reasons unconnected with the applicant's case as to his age, for example to avoid his return to his country of origin. Furthermore, physical appearance and behaviour cannot be isolated from the question of the veracity of the applicant: appearance, behaviour and the credibility of his account are all matters that reflect on each other.

22. And at [37]:

37. It is apparent from the foregoing that, except in clear cases, the decision maker cannot determine age solely on the basis of the appearance of the applicant. In general, the decision maker must seek to elicit the general background of the applicant, including his family circumstances and history, his educational background, and his activities during the previous few years. Ethnic and cultural information may also be important. If there is reason to doubt the applicant's statement as to his age, the decision maker will have to make an assessment of his credibility, and he will have to ask questions designed to test his credibility.

23. It is also relevant to consider R (AM) v Solihull Metropolitan Borough Council (AAJR) [2012] UKUT 00118 (IAC), in which the Vice President of the Upper Tribunal stated at paragraph [15]:

“In the present case the evidence is wide ranging. It may therefore be appropriate to make some general observations about the impact of evidence of various sorts and from various sources in this type of case. First, we think that almost all evidence of physical characteristics is likely to be of very limited value. That is because, as pointed out by Kenneth Parker J in R (R) v Croydon [2011] EWHC 1473 (Admin) there is no clear relationship between chronological age and physical maturity in respect of most measurable aspects of such maturity.”

24. He also said at paragraph [19] to [21]:

19. Our second observation relates to mental maturity and demeanour. So far as mental development is concerned, it is very difficult indeed to see how any proper assessment can be made from a position of ignorance as to the individual's age. Most assessments of mental development are, in essence, an assessment of whether the individual is at average, or below or above average, for his chronological age. Without knowing the age, a person who appears to have a mental age of (say) 15 may be 15, or he may be a bright 13 or 14 year old, or a dull 16 or 17 year old. There is simply no way of telling. So far as demeanour is concerned, it seems to us that there may be value to be obtained from observations of demeanour and interaction with others made over a long period of time by those who have opportunity to observe an individual going about his ordinary life. But we find it difficult to see that any useful observations of demeanour or social interaction or maturity can be made in the course of a short interview between an individual and a strange adult. There may of course be cultural difficulties in such an interview but there are the ordinary social difficulties as well.
 20. The asserted expertise of a social worker conducting an interview is not in our judgement sufficient to counteract those difficulties. A person such as a teacher or even a family member, who can point to consistent attitudes, and a number of supporting instances over a considerable period of time, is likely to carry weight that observations made in the artificial surroundings of an interview cannot carry.
 21. Reactions from the individual's peers are also likely to be of assistance if they are available. We do not suggest that other young people are qualified specifically to give evidence about the age of a colleague of theirs, nor should they be encouraged to do so. But those who work with groups of young people see how they react with one another and it seems to us likely that evidence of such interaction, if available, may well assist in making an age assessment, particularly if any necessary allowance for cultural differences can be made.
25. I bear in mind also that the age assessment guidance for social workers and their managers where undertaking age assessments in England (ADCS), October 2015) has been published and was endorsed in R (S) v London Borough of Croydon [2017] EWHC 265 as being relevant.
26. The Age Assessment Guidance dated October 2015 written by a group of specialist social workers states as follows:

“Many of the children and young people you assess will have needs and vulnerabilities beyond being a young person in a new country on their own, and you should bear that in mind when planning their assessment. Most assessing social workers will not be able to diagnose physical, mental or emotional health difficulties or learning

difficulties, or the effects of trauma, but should be alert to the fact that the young person in front of them has undergone experiences which are likely to have a serious impact on their development and on their ability to answer clearly all questions put to them.

Much of the assessment is likely to rely on what the child or young person tells the assessing social workers. There is a significant body of research casting doubt on the accuracy of 'normal' memory, and most people have difficulties in accurately and repeatedly recalling some things in their lives. Children and young people are likely to find it even harder to recall and recount distressing memories clearly. Further, post-traumatic stress disorder (PTSD) and depression are the most common psychiatric diagnoses in asylum seekers, those illnesses impact on memory.

PTSD and depression may also affect how a child or young person is able to engage with questioning, their ability to concentrate and their demeanour, as well as their ability to recall and provide coherent narratives. These difficulties will be particularly prevalent for those children and young people who have been tortured.

While separated children and young people who have survived torture may show distress, it is also very common for them not to show emotion or 'appropriate' emotion. That can often be due to avoidance or dissociation, which are unconscious psychological processes operating to defend an individual against re-experiencing or being overwhelmed by memories and/or feelings of traumatic experiences and distress. Similarly, avoidance or dissociation can often be wrongly interpreted as the child or young person being vague or evasive. There may be a risk that stereotypical and erroneous assumptions about trauma are made in relation to children and young people who are survivors of torture such as 'she did not cry' or 'he didn't react very strongly'. Flashbacks can also be triggered during an age assessment which may be misinterpreted as acting out behaviour.

It is also important to consider the fact that children and young people may have experienced or witnessed questioning under torture as part of their experiences of persecution. Consideration should be given to the impact that this might have on their responses, including fear or mistrust of people in positions of authority.

Therefore, power imbalances between the child or young person and the adults present in the interview(s) must be considered at all stages of the process. As a result of their age and experiences, children and young people may be overly compliant and answer questions in the affirmative in order to please interviewers, to protect themselves from anticipated harm, or to avoid painful or distressing memories. Avoidance of painful memories and shame and stigma attached to humiliating experiences of abuse may lead to confused narratives, inconsistencies or non-disclosure of significant events".

27. The guidance refers to various research including to the British Journal of Psychiatry, the Centre for the Study of Emotion and Law and the National Centre for Biotechnology Information with summaries of the research set out at Annex C.
28. I accept that a holistic approach must be taken; neither physical appearance nor demeanour can or should be determinative. The assessment of age could be based on physical appearance behaviour, demeanour and credibility. But as the caselaw makes clear, there are significant dangers in attaching much weight to physical appearance and behaviour/ demeanour.
29. I also take into account that in the context of an age assessment whilst credibility is relevant, the primary focus must “on the credibility of the person’s evidence concerning his or her age” (MVN v LB Greenwich [2015] EWCH Civ 1942 (Admin) at [27]. This requires particular importance to be given to their evidence concerning their age, above credibility more generally.
30. Moreover, in MVN it was emphasised that allowances should generally be given to the fact that asylum seekers may have problems giving coherent accounts of their history relying on R (N) v SSHD [2008] EWHC 1952 Admin) and the court cautions against the decision maker relying on their “own assumptions of how a person ought to have behaved”.

Analysis of the Evidence

31. In reaching my decision I have taken into account all the material presented to me, even if it is not mentioned expressly. I have paid particular attention to the parts of the evidence drawn to my attention, paying particular attention to those passages referred to me in submissions from both Counsel. I have conducted a holistic assessment of the totality of the material, noting that neither party bears the burden of proof.
32. In evaluating the applicant’s evidence, I bear in mind that he may be a minor and on his own account has received a limited education because it was interrupted due to conflict. He is not fully literate in Pashto. He can read and write a little. He does not speak English. He did not use complex IT in Afghanistan. I bear in mind that the applicant grew up in a war zone in the province of Kapisa and experienced trauma including his father being killed in the crossfire between the Taliban and government and his older brother being taken by the Taliban against his will. His brother’s dead body was returned to the family. The applicant becomes visibly distressed when discussing his brother. I also bear in mind that the applicant suffered abuse during his journey. He was beaten on more than one occasions still has pain as a result of these beatings. He also describes spending long periods when he was exhausted and without

sufficient food. He was in fear of dying when he was crossing the channel.

33. In the view of his social worker, he is suffering from trauma, He has been referred to counselling by his GP.
34. I have applied the guidance in AM (Afghanistan) v SSHD [2017] EWCA Civ 1123. At the outset of the hearing, I asked the applicant's representatives if there were a need for adjustments to be made, other than for the applicant to take breaks but no specific requests were made. The applicant's litigation friend was not present, but the applicant is now on his own evidence over the age of 18. I have proceeded on the basis that the applicant is a vulnerable witness and needs to be treated as such. It does not, however, mean that I must accept everything that he says.
35. I have also assessed the applicant's evidence in the light of MVN v London Borough of Greenwich [2015] EWHC 1942 (Admin) at 27 to 28.
36. Given the applicant's apparent vulnerabilities, I considered that there will be dangers in attaching weight to points not put to him directly in cross-examination.

Age Assessment -Public law grounds

37. In these proceedings, as highlighted by Mr Johnson, permission has not been granted in respect of the second age assessment. Indeed, the proceedings were commenced before the assessment was carried out and I therefore do not go on to consider the lawfulness of this assessment. The assessment merely forms part of the evidence before me in respect of the applicant's age. I must decide how much weight to address to it.

The age assessment - evidential weight

38. In assessing the applicant's credibility, I have regard to the age assessment prepared by the respondent. Mr Johnson did not submit that I should place extensive weight on the age assessment, indeed he acknowledged its weaknesses although asserting that the assessment was not procedurally flawed. His submissions were based primarily on the applicant's own evidence and events which he suggests are fixed and are anchors to establish age. He also submits that I can rely on the evidence that the applicant gave to the assessors in the assessment in terms of consistency and explanations or omissions.
39. There is substantial criticism of the age assessment in the applicant's position statement. It is not asserted that the assessors were not qualified to undertake an assessment and I accept that they were. This is a new style assessment which was being carried out by the

Pilot National Age Assessment Team. It includes not only the record of the information provided by the applicant and the impressions formed by the assessors but also incorporates additional documents, other evidence and independent research which makes it a very lengthy document.

40. I approach the assessment with a significant degree of caution, insofar as the findings rely on observations made about, appearance, behaviour and overall demeanour which are inherently subjective and not properly capable of bearing much evidential weight. In this assessment the assessors rely substantially on the physical appearance of the applicant.
41. In general, I do not find the assessment to be very helpful and some of the criticisms made in the applicant's position statement are valid. I note that there are various factual errors in respect of the number of different dates of birth given by the applicant. Some can be explained away by incorrect transposition of the Afghan and Gregorian calendar, others to interpreting errors and the remainder appear to relate to the mixing up of the date of the month and the month itself. The report also incorrectly records the applicant's alleged inability to name his favourite cricketer when it is clear from the transcript that he did give a name.
42. I take into account that the assessment relies on some sources which are out of date. For instance, the "information note" from the Canadian Immigration and Refugee Board from July 1998 which the assessors rely on to state that Taskiras are issued at birth is both out of date and has been found to be no longer correct. This information is used to undermine the applicant's credibility and renders the assessment unreliable. Additionally, the assessors appear to have formed their own view that the Taskira is a forgery without any evidence or expertise and that their view has been undermined by the respondent's concession below that the Taskira is genuine.
43. Similarly, the assessors have carried out their own background research on events in Kunduz and from that have drawn an inference about the date when the applicant's brother was murdered from a Guardian article and from that inferred a timeline of when the applicant left the UK. From this, they infer that his journey did not take six months. In my view this was illogical and unfair. It has never been the applicant's evidence that his brother was killed in a specific incident at a specific time. The Taliban have been active in Kapisa province for many years. The assessors have used guesswork and speculation. This was never put to the applicant and in any event, he has a rudimentary understanding of the conflict.
44. There is a reference to a report from Gillette in respect of the age at which individuals start shaving, which takes the report nowhere and could in fact be said to support the applicant's evidence about his

age because his account is that he started shaving shortly before he came to the UK. There is further a very odd reference to a Forbes.com article "What people really mean when they say: "I don't know"", which appears to relate to a discussion about USA business practices. It is entirely unclear why such an article would be used to assess the credibility of a putative child particularly when the respondent has their own non-statutory guidance. Similarly, the assessors, without any professional expertise or an explanation of how they came to such a diagnosis, form the view from another on-line article that the applicant has a "dependent personality" which they use to explain his lack of maturity, rather than attributing it to his young age.

45. My view is that the references to these dubious articles and their use to question the applicant's credibility, undermine the report as a whole. I do not accept Mr Johnson's submission that these references can be separated out from the overall assessment or the reasoning within.
46. It is unclear why the assessors were so surprised when the applicant stated that his father was deceased when he mentioned this in his previous age assessment which they had sight of as well as in the information disclosed to them prior to the assessment including the health assessment and referral form. The same is true of the Taskira. The applicant had already provided the original age assessors with this document.
47. Even more importantly, when carrying out this assessment the assessors do not appear to have properly factored in the applicant's trauma.
48. From the outset of his interactions with social workers, the applicant has claimed to be traumatised by both his difficult journey, the events that caused him to leave home and his separation from his family. This appears throughout material disclosed to the assessors, for instance the social work referral and the Health Assessment Form for Young Person which took place on 24 September 2022 prior to the age assessment. At his initial health assessment, he referred to low mood when he remembers his family or treatment en route to the UK, anxiety symptoms including palpitations, distressing memories and flashbacks. He also talks about his difficulties sleeping and sometimes having nightmares. He also claimed that he struggled with memory "Currently my mind does not understand anything because I worry about many things. Anxious about the future and what it holds, I cannot recall what I ate yesterday".
49. During the age assessment he spoke about trauma such as the journey to the UK and being beaten up on the way and disclosed that he had experienced traumatic events such as the death of his brother. He broke down on three occasions when discussing his

brother. At various points in the assessment the applicant was said to be sobbing or tearful. His oral evidence was revealing. When asked by Mr Johnson why he had not he said mentioned in his age assessment that he had transferred the copy of the Taskira to his friend Ahmed for safekeeping, he responded, "I was not being asked questions nicely and clearly like you". I find that this is apparent from the transcript. For instance, the applicant was questioned over a long period of time - two days and appears to have often been asked several different questions in one sentence without being an opportunity to respond.

50. The evidence from the health professional, social worker and foster parents was that the applicant was very stressed out about the interview. He was worried and he had not slept the night before the assessment.
51. The applicant's oral evidence was that he became upset during the assessment and that he did not feel able to answer questions properly which is why by the end of the assessment he often responded with "I do not know" or "I do not remember".
52. Although the assessors do acknowledge the trauma, they then go onto make comments which are at best misguided and at worst not in line with their own guidance. For instance, they comment that the applicant's "anxiety about the age assessment should not be so acute". They question why his loss of sleep appears to be related directly to attending appointments rather than to the death of his brother and separation from his family. They questioned why he was not able to remember more of his journey because it "is fairly easy to remember the truth".
53. They conclude that the applicant's inability to remember matters related to traumatic events is "avoidant behaviour" and state that "traumatic memories attach more weight and his memory should be better".
54. These observations are manifestly contrary to the non-statutory guidance which is based on proper scientific research. The assessors fall into the trap of speculating how a certain individual should behave contrary to the guidance. There is little reference to the events of the journey which may have affected his ability to remember precise details. It is well understood that trauma will impact on memory and affects different individuals in different ways.
55. It is not obvious that the assessors have given the applicant the benefit of the doubt particularly when on occasion they identify behaviour and attitudes which are supportive of the applicant being younger and both his social worker and foster carer who having experience of observing the applicant in a real-life context believed him to be his claimed age.

56. Interestingly, the full age assessment found the applicant to be four years younger than the original short form assessment which is perhaps an indication of how difficult it is to assess age.
57. Overall, I am unimpressed by the quality of the age assessment report for the reasons above and I place little weight on it. Nevertheless, when making my decision, I take into account the information provided by the applicant to the assessors. I also note that the information supplied by applicant in his assessment does not contradict in any major way the evidence he has given elsewhere as I set out below.

Applicant's Oral Evidence

58. The applicant gave oral evidence. He adopted his statements as his evidence in chief and was subject to a lengthy cross examination. I also asked him some questions. He gave his evidence in Pashto through a court appointed interpreter and he confirmed that he understood the interpreter.
59. He became distressed on a few occasions and was offered some breaks to compose himself.
60. The applicant confirmed that he did not remember what age he was when he attended school. He did not remember if his classmates were older than himself. There were younger children at school. His younger brother was also at school when he was at school but did not start at the same time. He started later. His sisters did not attend school. He does not remember how long he was at school with his brother. He went to school for 6 years in total. He does not know how old he was when he left school or how long it was between finishing school and leaving Afghanistan because there were problems and difficulties. He was asked if he worked after leaving school. He stated that he did not work. He was asked if he helped his father. He said, "yes I helped him doing farming work". He does not remember how long ago his father died. He was referred to his statement at p335 of the bundle in which he stated that his father passed away shortly after he obtained his Taskira and that his mother had told him that this was 8 years ago. He said, "yes according to my mother". He could not remember if he had left school when his father died. It was put to him that he had said that he had worked with his father after he left school so his father must have been alive when he left school. He said he could not remember.
61. He was asked in detail about the Taskira. He remembered going to get it with his father in Tammer Bazar. There was a place with a queue and the photograph was taken there with a camera. He was then issued with the Taskira on the same day. He could not recall how long he had to wait. He took it home with him and it was kept in

a bag which belonged to his parents. He took it to the school and madrassa.

62. Prior to leaving Afghanistan, he took a photograph of the Taskira. He took the original document out of the bag and replaced it. He does not remember whether his parents knew he was taking the photograph or whether they suggested it. He took the photograph because it was his identity document, and he knew he might die on the journey. He does not remember why he did not take the original. He did not want to lose it on the way. At this time, he was stressed and worried for his life. He wanted to protect his life. At a point in his evidence, he became distressed and took a 15-minute break.
63. The applicant took the photograph of the Taskira on a mobile phone with a camera which was a Samsung model. He did not have any other social media. There was no Wi-Fi at home. He would go to the market and buy chips to insert in the phone to watch videos. He used the phone to make phone calls but not send messages. He took the phone with him when he left Afghanistan. He lost the phone in Serbia. When he was in Turkey, he was staying in a basement with other migrants and he made friends with an older man, also a migrant from Afghanistan, called Ahmed who had a beard. The applicant was younger. Ahmed looked after him during the journey giving him food and carrying him when he was tired. He sent some important information to Ahmed like the Taskira because he thought there might be problems. He thought he might die or lose his mobile phone and Ahmed also suggested that he sent his documents to him. Ahmed travelled with him from Turkey all the way to France.
64. He was given another phone by the agents in Serbia because he complained that he did not have a phone. He does not know the make. It has a "G" on it. This is the phone which he had with him when he entered the UK. It is a smart phone with a camera. It now has a broken screen.
65. It was put to him that he did not mention Ahmed in his age assessment interview. He said he was not asked. They did ask him about his mobile phone. He thinks he said he lost his mobile phone, but his memory is not good. He was directed to the answers to his questions at VII in the assessment. He stated that when he had the age assessment, he was very upset because they asked him about his brother, and he said yes to all the questions. It was put to him that he did not mention Ahmed in his "minded to" interview either. He said he did not remember. The way that he was asked questions was not similar to how Mr Johnson was asking him questions "clearly and nicely". He was not asked questions in the assessment in this manner. He confirmed that the phone on which he had taken the photograph was not the same as the phone with the broken screen.

66. He stated that when he was asked why he did not produce his Taskira to the assessors he replied that he had told them that a copy of it was on his mobile phone at home.
67. He did not show the Taskira to anyone between Serbia and France. It was in France that Ahmed transferred the photo of the Taskira to his phone. He did not know how this was done. He did not have the Taskira on his phone in Austria. He was fingerprinted in Austria and placed in quarantine. They were taken by the Austrian authorities to a camp where they were asked their names and where they were from. He does not remember if they were asked about their journey or their age. He did not mention the Taskira. He did not have it on his phone, and he was not asked for it. He was not there for long. It was a very difficult journey. He took the copy in France because he was going to cross the sea from France to Dover.
68. During the journey he did not have a stable state of mind. There was a lack of food and beatings. His brain was not functioning. At this point he had another break.
69. He stayed in Austria for about ten to fifteen days. He was in a camp. Ahmed was in the part with the adults. The applicant was in the part with the children. In the afternoons the residents were allowed downstairs to eat where they could mingle and eat, and he would see Ahmed then. After he would return to his part. He did not know whether he would stay in Austria. In Austria he was issued with a document with his name and photograph which he could use to leave the camp after the quarantine. He did not know if his date of birth was on the document. The other boys with them and Ahmed who were on the journey spoke about leaving the camp and going somewhere else, so he went with them. He left the camp because one of the boys said the agent had called and they would be leaving. The group included Ahmed. The applicant did not know where he was going. His evidence was that this was the only time that he left the camp. He was not clear about what happened to the Austrian document.
70. The applicant explained that he was in a dinghy with about 40 individuals from different nationalities. The boat began to break up. After half an hour they were rescued by the coastguard in a different boat and taken to a large building in Dover where there were many other people also from other boats. They were soaked and given dry clothes to wear. The applicant was searched, and his possessions taken from him including his mobile phone. Somebody came in asking about ages. He was interviewed by two immigration officers who were asking about his age. He was told by the officers that they believed that he was over 25. He told them that this was not his age. He told them that his identity card was on his phone and that if they gave him his phone back that he would show it. They said that a copy on a phone was not sufficient, and he would need to obtain the

original document with a translation. He asked how he would be able to do this if he could not contact his family.

71. He slept in the building for a few days. He was fingerprinted and asked about his journey. He believes that he was interviewed after about three days. I pointed out that the date of the interview was 10 October 2021.
72. From this building he was transferred to accommodation for adults in Croydon. About three days later his phone and his belongings were returned to him. In Croydon, the reception staff informed him that they would not assist with immigration only with food and support. He needed to call Migrant Help. He spoke to the reception staff regularly and tried to show them his phone. He told them that he had age related difficulties. Nobody looked after him. He faced a lot of difficulties. He was there for 6 to 7 months. Eventually he was seen by a lady and showed the phone to her with the Taskira. He was then allocated a solicitor and his solicitor sent the document to the Home Office in March 2022.
73. It was put to the applicant that the truth is that he was not carrying a copy of the Taskira on his phone when he entered the UK but that it was sent to him later. He denied this. He said, "I had it before then". It was put to him that he did not provide the document until March 2022 because that was when it was sent. He repeated that he told the immigration officers that there was a copy on his phone, and he was told to get the original document. After that he was transferred to a hotel where no one cared about him.

The documentary evidence - the Taskira

74. The applicant has not produced a document providing his date of birth such as a birth certificate or identity document which can be independently verified. It is agreed that he comes from Afghanistan where birth certificates are not routinely issued and where culturally, age is not significant or important. It is agreed that many people do not know their ages or dates of birth and that birthdays are not celebrated.
75. The applicant's evidence is that he knows his date of birth from his Taskira. This bears the name of the applicant and holds a picture of a child with a declaration that at the date of issue the bearer is assessed to be 9 years old. Although the applicant has repeatedly stated that his date of birth is 31 May 2005, it is agreed that this date has been arrived at by deducting 9 years from the date on which the Taskira was issued on 31 May 2014. On his own evidence in his witness statement the applicant accepts that he does not know on the precise date on which he was born but from the Taskira believes that he was 9 years old when the document was issued.

76. The only documentary evidence of age consists of the Taskira. This is not an original document. It is a photograph of the original document which was provided electronically to the Home Office in March 2022 by the applicant's immigration solicitors at that time.
77. Surprisingly, even though the Home Office had been provided with the document by March 2022, and it was provided to the age assessors who carried out the short form age assessment in June 2022, the age assessors were not provided with this document in advance of the assessment either by the Home Office, local authority or by the applicant's solicitors. The age assessors appear to have only become aware of the existence of the document during the assessment. They asked to see it, but the applicant stated that it was on his phone which he had left at home. There is a dispute about his willingness to produce the document. The assessors claim that the applicant was reluctant to provide it and rely on this as doubting his credibility. The applicant states that he was not asked for it and offered to return home to get his phone. In any event it is agreed that the applicant's foster parent forwarded the document electronically to the assessors after the assessment and that they had sight of the document prior to reaching their conclusion on the applicant's age. They took the opportunity to comment on the document in the age assessment and took into account the view of both an expert and view of the Home Office National Fraud Document Unit.
78. In the age assessment, the assessors question the authenticity and reliability of this document. They assert that the document could be a forgery, and that even if it is genuine, it is questionable as to whether it belongs to the applicant. Further, it is asserted that if it is genuine and belongs to the applicant that the applicant's evidence of how he came into possession of it is unreliable and therefore casts doubt on his credibility as a whole and secondly that in any event since the document does not give a precise date of birth but just states that the applicant appears to be nine years old on the date that the document was issued in 2014 that it takes his case no further because that assessment of age is in itself not reliable.
79. In support of authenticity the applicant produced a report by Dr Zadeh which states that in his view having undertaken an assessment based on the electronic copy, the document is genuine. Attempts by the respondent to have the document verified were unsuccessful.
80. By the time Mr Johnson made submissions the respondent's position was that it is not disputed that this is genuine document, the question is whether it in fact belongs to the applicant. This is because the applicant's account of how it came into his possession lacks credibility and the document was not produced prior to March

2022. Further it is submitted that the document takes the applicant's case no further in respect of his stated age.

81. I find on the basis of this concession that the document is genuine and given the respondent's concession as to authenticity, I do not seek to analyse the expert report in any depth and I disregard the views of the age assessors in relation to the authenticity of the document.
82. I next consider whether the Taskira belongs to the applicant. It carries his name. It carries the name of his father and grandfather. It also confirms the name of his village as Sar Padar, that he is Pashtun, single and a student. Regrettably there is a gap between the applicant's arrival in the UK and him being asked to provide any basic information about himself by the Home Office. His preliminary Information Questionnaire was completed on 14 April 2022 which he enclosed with a statement. In this he gave the name of his village but not the name of his parents. He provided the name of his father in the short form age assessment and confirmed it in his statement provided on 28 July 2022 in the course of these proceedings. The information provided by the applicant is consistent. Having said this, the Taskira was provided to the Home Office on March 2022 prior to the applicant giving this information. Nevertheless, I take into account that the applicant has consistently given his father's name as Mohamed Arif which is the name that appears on the document and also gives the name of his village Sar Padar, which is consistent. In his more detailed statement of evidence form the details are still consistent. It is not asserted by the respondent that the applicant is not an Afghan from the Kapisa area. Nor is it in dispute that this area has seen a great deal of conflict.
83. Further the applicant also has given a detailed account in his oral evidence of how the Taskira was issued. He states that he went with his father to Tameer to have the document issued by the authorities. His photograph was taken, and he was assigned an age. This evidence was consistent with his statement in the bundle and this evidence was not undermined in cross examination. I further take into account that the applicant's evidence in relation to this document appears to be consistent with the Land Info Country of Origin Information Centre referred to in the age assessment dated 22 May 2019. This states:

“the majority of Taskira's seem to give an estimated age at the time of issue. Landinfo find reasons to believe that there can be variations between the many districts on how they practice the giving of age. The Taskira does not normally give information on date of birth. If a Taskira applicant does not have information on year of birth the age is determined by specialists with in the PRD. The determination of age is estimated on the basis of physical characteristics eyes facial features and wrinkles combined with a short interview. The director of

PRD (meeting September 2015) claimed that the specialists operate with a margin of error of six months”.

84. This is consistent with the account provided by the applicant. All of this evidence supports the applicant’s assertion that the document belongs to him.
85. The respondent questions why the applicant did not produce this document to the Home Office on arrival or prior to March 2022 and asserts that the implication of this is that the applicant is not telling the truth about how he came to obtain the document which undermines his credibility. The inference is that the image of the document was sent to him after he arrived in the UK.
86. I turn to the applicant’s credibility in respect of his account of how he came to have the document and the timing of the production of the document.
87. Mr Johnson submits that the applicant has provided no real explanation as to why he decided to take a photograph of his identity document on his phone. I do not agree. The applicant’s explanation is that he knew that this was important identification evidence, and he might need ID if he died on the journey. He cannot remember if it were his mother who suggested that he take the photograph. I also note that at the time that he fled Afghanistan he was particularly traumatised. His brother’s body had been returned to the family by the Red Cross after he had been abducted by the Taliban and the applicant was in fear that the same fate awaited him. It is unsurprising that his memory of what precisely happened is unclear. I find that it is plausible that he would take a picture of his document and not carry the original. He has consistently said that he had a mobile phone and that he used this to take the photograph. When he was asked about his first phone, he stated it was a Nokia. He states that the phone that he used to take the picture was a Samsung but as Mr Greene points out it was not clarified whether his “first” phone was the phone on which he took the photograph, or just his first phone so I disregard this inconsistency.
88. It is said by the respondent that the applicant did not give an explanation for how he came to lose his phone and yet retain the image of the document until after the age assessment and the timing of this evidence undermines his credibility. In his age assessment the applicant said that he took a photograph in Afghanistan and that he lost his phone. He did not explain how he transferred the image to his second phone. In his first witness statement he clarified that he met a fellow migrant, an older man called Ahmed on the journey, and he sent him a copy of the document for safekeeping. This continues to be his evidence. He was cross examined at length and the cross examination did not undermine this evidence. He has consistently

stated that he met Ahmed in Turkey and that Ahmed was older than him and looked after him.

89. I found the applicant's oral evidence to be compelling. When asked to elaborate on his journey he did so. He gave a plausible explanation as to why he trusted Ahmed in the context of him leaving Afghanistan at short notice following a trauma and being separated from his family and being with an older man from his own country who carried him and gave him food and whom he trusted.
90. Mr Johnson submitted that it was simply not credible that the applicant lost his phone in Macedonia or Serbia and asked for a replacement phone at that time, but did not ask Ahmed to transfer the image back to him until he got to France, particularly as when they were in Austria the applicant was being treated as a child and differently to Ahmed and he did not know whether he would continue the journey with him.
91. The applicant was asked to explain this. His response was that the journey was very difficult. He had been beaten. He was hungry. He was not thinking clearly, and things were very difficult. In France, he obtained the image because he was about to cross to the UK and undertake a dangerous journey. I do not find this explanation to be implausible or inherently incredible and I take note of the authorities set out above that one should not speculate on how someone would or would not behave in a particular situation. I note that the applicant's journey was stressful and dangerous and on more than one occasion he refers to having been beaten, being hungry, being frightened and sleeping outside.
92. I further take into account the applicant's spontaneous evidence that he was treated as a child in Austria. This came across as natural and unrehearsed. I accept Mr Greene's submission that he would not have really had any need at that point to show the document and I also infer from the applicant's evidence that he and his fellow migrants were not intending to remain in Austria. His fellow migrants were still in contact with the agents in relation to continuing their journey.
93. At this point I take into account that both the applicant's representative and the respondent have attempted to seek verification from the Austrian authorities (which presumably would not be difficult in practical terms because he was fingerprinted) but that their attempts have been unsuccessful due to a lack of a legal agreement between Britain and Europe post-Brexit. It has not therefore been possible to obtain confirmation despite both parties best efforts.
94. The age assessors found the applicant's evidence about his journey to be deliberately vague and that he was attempting to avoid giving

information which would undermine his evidence. I am satisfied that any vagueness can be explained by the long and chaotic nature of the journey and the difficulties which the applicant faced on the way. He has always been broadly consistent about his journey.

95. I do not find the applicant's evidence about his journey to be implausible or lacking in credibility and I find that his evidence about when he transferred the document to his new phone is credible. The applicant stated that he was not sure about how this was done. This is consistent with his evidence that he did not have a good knowledge of technology. In Afghanistan there was no Wi-Fi. He did not use social media networks. He used the phone to make calls and to watch videos which were inserted in the phone from chips purchased in the market. His knowledge appears to be rudimentary. There was nothing in the disclosure from social media that demonstrated that the applicant is particularly skilled in using phone technology or social media. Further the applicant's evidence is that he was dependent on Ahmed in the sense that Ahmed assisted him by giving him food and carrying him.
96. I next consider the applicant's account of what happened to him when he arrived in the UK. The precise date of entry is unknown but was about 9 October 2021. It is however agreed that he was picked up at sea in a dinghy with 30 to 40 other men in a boat which was breaking, up transferred to a larger vessel and then brought ashore at Dover where he was placed in a building with many other migrants. I take judicial note that this was in a period mid-pandemic when there were still some restrictions in place.
97. In his age assessment he stated that the Taskira was on his phone and that his phone was taken by the authorities. He also stated during his assessment that there was "nothing on his phone". Mr Johnson submitted that this undermines his account. However, he had already stated to the assessors that he had taken a photograph of the document in Afghanistan, and that it was on his phone when he arrived. He was not asked what he meant by the statement there was nothing on his phone in his "minded to" interview. The applicant has also given evidence that he felt very stressed in the interview. In his oral evidence he was not able to explain why he had said this other than to reiterate that his memory is poor, he does not remember saying this and that he felt distressed because he had been asked questions about his brother. I do not find that this one comment which was made in the context of a stressful interview undermines his whole account.
98. The applicant's oral evidence was that all his possessions were taken from him including his phone on arrival. His clothes were wet, and he was given dry clothes. He was told that people were asking for ages. He was identified as being older than 25 and then underwent some kind of interview with two immigration officers. The result of the

interview is that he was found to be an adult over 25 and after quarantine sent to adult accommodation.

99. The applicant's evidence has always been that his phone was taken from him by immigration officers and not returned until he was accommodated in Croydon with adults.
100. The applicant states that he was informed that he was over 25. His evidence is that he told the immigration officers that he was a child and he informed them that he had a document on his phone which he could show them. He says that he was informed that a copy of a document was not sufficient and that he would need to produce the original document which had been translated and he asked the immigration officers how he could do that.
101. There is no record of the interview that took place with the applicant on arrival either in the form of a formal transcript or informal notes. The only document that is before me is a document dated 10 October 2021 which certifies that the applicant has not produced "satisfactory" evidence of identity and has been assessed to be over 25. There is nothing therefore in the respondent's contemporaneous evidence which contradicts or undermines the applicant's evidence. I do take judicial note of the fact that the Secretary of State requests documents to be originals.
102. I find that the applicant's evidence that his belongings were taken is plausible in the context of the case of R(HM) v SSHC [2022] EWHC 695 in which this practice of confiscating possessions was found to be unlawful which suggests that such a policy was in place.
103. Secondly, I find that in the context of many migrants arriving at Dover in what seems to have been a rather chaotic and confusing situation during a time of restrictions, the applicant's account rings true. It is notable that the immigration officers appear to have taken the most basic of information from the applicant not even making a note of the interview. In this context, I also place very little weight on the document where it is stated that the applicant claims to have been born on 26 March 2004. Without any supporting evidence, it is not possible to ascertain where this date came from and what interpreter was available. The interview appears to have been short. I further take into account that any interview that did take place took place within days (or less than hours) of the applicant crossing the channel on a small boat which was breaking up after many failed attempts to board a boat in France and after an arduous journey across Europe. I also take into account in this respect that when he was finally seen by a doctor for a full health assessment on 24 September 2022, he was found to have jaundice, potential latent TB, have an injury to his genital area and to have a history of trauma, bereavement/PTSD/Depression. He also had reflux and a short stature. This gives some indication that the applicant was in poor

health when he arrived in the UK in October 2021, almost a year earlier around the time of the interview. In the photograph taken on his arrival he appears to be unkempt.

104. On this basis, I accept the applicant's evidence that he did not have an opportunity to provide the documentation that was on his phone to immigration officers when he arrived in the UK.
105. The applicant's evidence was that once he was placed in the hostel, he tried to explain to the receptionist that he was a minor and show them his phone but that they did not assist. Mr Johnson states that his evidence was he did not do this but having looked at my note of evidence I am satisfied that the appellant gave evidence he stated that he did try to show them his phone and asked for help but he was told that he would need to contact Migrant Help.
106. The applicant spontaneously went into some detail about what happened to him in the hostel. He evidently found his situation there upsetting and repeatedly stated that "no-one was looking after him", which in my view indicates a lack of maturity. The applicant ultimately did contact Migrant Help. This evidence is supported by the letter from Roxanne Nanton from Refugee Council who confirms that she spoke to the applicant on 20 April 2022 and on subsequent occasions and that he was upset, distressed and that when she met him, he showed her the document on his phone. It was at this point that he was referred to a solicitor who contacted the Home Office.
107. I am of the view that the applicant's evidence about the delay in producing the document is entirely plausible and due to a lack of assistance from the authorities. He is not well educated. He is not literate in his own language. He does not speak English. He had left Afghanistan at short notice in traumatic circumstances and was apart from his family. He had a traumatic journey and had no legal representation or indeed any recorded contact with the Home Office between his initial brief interview in chaotic circumstances after his arrival in October 2021 until he instructed a solicitor in March 2022 at which point his representative contacted the Home Office and provided the document. Certainly, no screening interview appears to have taken place in this period. It was only after he had contacted a solicitor in March 2022 that he was sent a Preliminary Information Questionnaire. A more detailed statement of evidence form was completed and returned on 21 January 2023.
108. I do not accept the argument of Mr Johnson that the applicant's credibility is undermined by his failure to present this document to the Home Office earlier for the reasons set out above.

Lack of knowledge of precise date of birth

109. Mr Johnson's strongest argument is that even if the Taskira is genuine and relates to the applicant that it is based on an assessment carried out by an unknown official in Afghanistan as to the applicant's age and therefore is also unreliable. He submitted that the applicant's evidence was that the assessment was quick. Firstly, this was not the applicant's evidence. His evidence was that there were many people there. I agree that the official that determined the applicant's age at the time could not do so with complete accuracy and that the assessment was based on the applicant's appearance. I also accept that the applicant has consistently been described as being short. I also however take into account that the officials in Afghanistan are described by the Landinfo document as being qualified to give estimations of age (within a six-month age range). Mr Johnson's submission is that it is not possible to determine age with any accuracy and it is "caveism" to suggest that the Afghan authorities could assess the applicant's age any more accurately than the respondent's officials. (The opposite could also be said to be true!). Nevertheless, I take the point that it becomes more difficult to determine age as a child reaches its late teens.
110. There is, I find, on balance more likely to be a marked difference between a nine-year-old which is the age that the Afghan authorities considered the applicant to be in 2014 and thirteen which is the respondent's estimation of how old the applicant would have been in 2014. I find that it is easier to discern if a child is closer to 5, 7, 9 or 11 than to discern if a young person is 25, 17, 19 or 21.
111. Mr Johnson also relied on the fact that since the Taskira was issued in 2014, and the appellant's father attended to collect it with him the appellant's father must have been alive in 2014. His father must have died after that date. This seems uncontroversial. He pointed to the applicant's evidence in his first statement that his mother told him that his father died just after the Taskira was issued which was 8 years ago which he confirmed in his oral evidence. This sits well with the applicant's timeline in that this would mean that at the date of him leaving Afghanistan he would have been 16 or 17.
112. He then pointed to the applicant's evidence that he attended school for 6 years. On the assumption that he started school at the age of 7 and went for 6 years he would have left school at the age of 13. On his oral evidence his father was still alive when he left school because he said he worked for his father after he finished school. If his father died in 2014 or 2015 after the Taskira was issued (which is his evidence) and which is consistent with his father being present when the Taskira was issued, this would mean that the applicant must have in fact been, at the very least 12 or 13 when he went to obtain the Taskira with his father in 2014 which would have made him older and currently aged about 21 or 22.

113. The problem with this submission is that the applicant's evidence on the age that he started attending school and when his father died has consistently been very vague. The applicant has always stated that he does not know what age he started school and his schooling was interrupted by conflict. He told his GP that he had only attended about 2 months out of each academic year. As a result, he has low levels of literacy. The fact that he did not know what age he started school is consistent with Afghans not paying much importance to their age. Secondly the applicant's evidence which is consistent with the background evidence is that his Taskira was used as a method of identifying him at school and at the madrassa. It is not consistent that he would have obtained a Taskira in 2014 when he was 13 years old after he had left school because he would have needed the document to attend school in the first place.
114. The appellant is describing events which took place from when he was a child or young person several years ago, a few years back in a place where there was ongoing conflict where dates do not carry the same importance as they do in the UK. I do not think that this one piece of oral evidence on its own undermines the remainder of the evidence which is largely consistent and coherent.

General Credibility

115. I turn to the applicant's general credibility.
116. I agree with Mr Greene that the applicant's evidence has been broadly consistent. He has claimed to be a minor from his arrival in the UK. He has always stated that he was aware of his age from the Taskira which was issued in 2014. There are no glaring inconsistencies in his evidence. I also take into account that the applicant has suffered trauma. He manifestly found the journey very upsetting and even on the respondent's estimation of age he is a young person who is separated from his family.
117. Mr Johnson submits that the applicant is deliberately being vague about his upbringing and education. He is not able to recall with any accuracy when he attended school and both in oral evidence and in his answers to the assessors is unable to recall or does not know details. I find it unsurprising that in a culture where age is not important that the applicant does not know the ages of his siblings or what age he attended school and what age he left school. This is consistent with the cultural background in which he grew up. I also take into account that he is trying to remember details from when he was a young child, against the background of conflict in his own area and from a perspective of now being traumatised and I give little weight to the applicant's asserted inability to provide details about specific ages when assessing his credibility. The applicant gave a description of a simple life on a farm, and he is not literate or highly educated and his account is not riddled with discrepancies which

undermine his evidence. Finally, I also to give weight to the evidence before me that the applicant feels stressed and anxious because of his experiences and current situation. Thinking about the trauma he has experienced causes him distress and I accept that this affects his memory to a certain degree.

Views of social workers and other professionals

118. The remainder of the evidence in respect of the applicant's age consists of social services case notes, the views of the social worker Julia Carr-Balman and the foster carer Zulifquar Ali incorporated into the age assessment as well as his witness statement and oral evidence.

Evidence of the social worker- Julia Carr-Balman

119. Her views were obtained by the age assessors. She met the applicant on four occasions both in his home setting and at college as well as attending three further meetings with him. Her view is that his physical demeanour, interactions with other young people and activities outside college such as playing Ludo, going to the gym and doing homework are consistent with him being his claimed age. She did not give oral evidence and was not subject to cross examination, but I give her evidence some weight because she is a trained social worker who has met the applicant on several occasions in natural settings and has had an opportunity to observe him interact with others. She has experience with working with other young people in the same age range. Had she believed the applicant to be older she would have said so. Her view was not obtained in the artificial setting of a formal interview. I recognise the limitations of her evidence because she was not subject to cross examination.

Evidence of witness of Zulifquar Ali

120. Mr Johnson agreed that the witness came across as being candid and honest and that his opinion that the applicant is not an adult is sincerely and honestly held. His main submission is that since the witness' view is that the applicant is in fact younger than he has stated that this evidence takes the applicant's case no further. He also commented on the fact that the foster carer does not have experience in carrying out age assessments, is not trained, could not communicate with the applicant in Pashto and was candid in admitting that individuals can have a variety of interests at different ages.

121. I found the applicant's foster carer to be an impressive witness. He candidly admitted that he was not an expert and that individuals of different ages have different interests. Nevertheless, he has five

children of his own, who are now adults, and he has experience in being a foster carer. Perhaps most importantly he lived alongside the applicant for several months seeing him daily. He explained that he communicated with the applicant through another foster child who spoke Pashto and English and through an app and using some Urdu. He had the benefit of observing the applicant at close range over a period of time. His observation was that the applicant did not come across as a mature adult, he interacted with children who were younger than himself, his best friend is aged 15, he was not interested in older children and that he was an honest and trustworthy individual. His evidence was that the applicant was interested in films such as "Finding Nemo" and TikTok videos and dressed like a young person. The applicant was respectful towards him, did not stay out late and lacked some independence skills.

122. He also gave evidence that he needs to safeguard the other foster children in his home who are not age disputed as well as his own grandchildren and would not be prepared to foster someone he considered to be an adult. I take into account that his interactions with the applicant were in a natural setting. The fact that he has to assess age as part of his job for Southwestern rail is neither here nor there, but do I give some weight to his genuinely held opinion based on his observations of the applicant's behaviour, maturity, leisure pursuits and interactions with other young people and his family that he is not an adult.
123. I do not understand Mr Johnson's submission that his evidence should be disregarded because he believes the applicant to be younger than claimed. The important fact of his evidence is that he genuinely did not believe the applicant to be an adult of over 18 when he came to live with him. I take into account that more weight can be given to such evidence than that obtained in the artificial setting of an interview.
124. I also take into account that the witness had nothing to gain from attending court to give evidence.

Demeanour

125. It is trite law that it is very difficult even for medical professionals to accurately state the biological age of a young person particularly between the ages of about 16 to 25. There is a five-year margin of error. I place no weight on the applicant's appearance although I cannot entirely disregard the fact that from his appearance the applicant could be 18 as he claims. I take into account in this respect that the original age assessment found the applicant to be over 25 and that has been revised by four years making him now to be 21. Manifestly there is not a great deal of difference between 18 and 21 and it is not very clear where the age of 21 came from.

Decision

126. Having considered all of the evidence holistically in the round, I find for the reasons set out above that the Taskira is a genuine document which belongs to the applicant. I find that the applicant has given a truthful account about how the evidence came to be on his phone. I am satisfied that the Taskira is reliable evidence of his age. I have taken into account that the applicant's evidence was broadly consistent, that the respondent's cross examination did not undermine his evidence. I have also taken into account that the evidence of the third party is supportive of the applicant's evidence and that the evidence contained in the age assessment fails to detract from the applicant's evidence. I place little weight on the assessment because of the failings in the report.

127. All in all, having taken a holistic approach to all of the evidence, I find that the applicant's date of birth is 31 May 2005 and that he was age 16 on his arrival in the UK in October 2021 and as at the date of the hearing is aged 18.

R J Owens
Upper Tribunal Judge Owens