



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

Appeal Number: PA/03619/2016

THE IMMIGRATION ACTS

**Heard at Bradford
On 1 June 2017**

**Decision & Reasons Promulgated
On 12 June 2017**

Before

UPPER TRIBUNAL JUDGE CLIVE LANE

Between

**BASHIR AHMAD BABURI
(ANONYMITY DIRECTION NOT MADE)**

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Ms Hussain

For the Respondent: Mrs Pettersen, Senior Home Office Presenting Officer

DECISION AND REASONS

1. The appellant, Bashir Ahmad Baburi, was born on 6 October 1992 and is a male citizen of Afghanistan. The appellant had entered the United Kingdom on a business visa but on 2 October 2015, he had claimed asylum. By a decision dated 31 March 2016, the respondent refused his application. The appellant appealed to the First-tier Tribunal (Judge R Caswell) which, in a determination promulgated on 14 December 2016,

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

2. There is one ground of appeal. This arises out of the judge's findings at [19 - 20]:

19. The refusal letter claims [the appellant] could relocate safely to another area of Kabul. Mr Hunt-Jackson [the Presenting Officer] asks me to find that there are other areas of the country such as large cities where the appellant could relocate to. I am asked by him to find that the appellant is known only to the local Taliban and is not of interest to the Taliban in other areas. By contrast, Ms Hussain asks me to find that returnees are looked at with more suspicion by the Taliban and that young people especially young professionals are targeted. She relies on an IRIN report dated 6 April 2016 at page 117 of the appellant's bundle. She also relies on a report [Voice of America] at page 46 of the appellant's bundle to the effect that students and young professionals are targeted by militants.

20. I accept that Afghan society is different to UK society and that networks and contacts are very important as Ms Hussain submits. However the appellant in my judgment cannot be said to be a high profile target for the Taliban even as an educated returnee with his background, particularly as he resigned from his job in August 2015. His case is that he still has the knowledge they want but it will be out of date to some extent and I do not find that he would be of such importance to the Taliban now that he would continue to be sought and identified by them as a target in another area of the country. I accept the conditions in Afghanistan are variable and that there are suicide attacks and violence in many areas. However, there are large populations living in the cities such as Jalalabad and I do not find that the conditions there are such as to mean that there is a generalised threat to ordinary citizens of serious harm. The appellant claims that he will be sought and targeted by the Taliban wherever he goes and I reject that claim as already set out above. I find that as a young man in good health he speaks Dari, English and some Pushtu who is educated and has worked in his country and who has family members who are prepared to help him still living in Afghanistan that relocation within Afghanistan would not be unduly harsh.

3. The sole ground of appeal is as follows:

It is submitted that Judge Caswell erred, by making a finding which is contradictory to the background material before her. Judge Caswell alludes to the said material in paragraph 19 of the decision which relates of the risk of harm from militants to students and young professionals. It is submitted that Judge Caswell misdirects herself in finding that the appellant would not attract such risk as he is no longer working for the US company. The background material does not state the risk is only to those who work for or have worked for foreign companies but notes that all young professionals are targets.

4. The challenge, therefore, is one of perversity (in the paragraph before that which I have set out above asserts that Judge Caswell “*has erred in dismissing the appeal*”).
5. Ms Hussain submitted that at [20] where the judge refers to the appellant as returning “*even as an educated returnee ...*” the judge had erred by considering the appellant’s education as a positive factor rather than a negative one as indicated by the background material upon which she relies. I do not read the judge’s comments in that way. I found that the judge intended by her choice of words (“***even as an educated returnee***”) [my emphasis] to stress that the appellant’s education is indeed a negative factor which might expose him to risk. I am satisfied that the judge has considered all the relevant background material before reaching her decision.
6. Ms Hussain submitted that the judge fails to refer in terms to another document (at [19] of the appellant’s First-tier Tribunal’s bundle of documents) which indicates that educated returnees are at risk partly because of the desire by the Taliban to minimise the numbers of the intelligentsia within Afghan society so as to create an uneducated society which would be easier to control. I do not find that Judge Caswell needed to refer to each and every document in the appellant’s bundle; as I have said, I am satisfied that she has considered all the relevant evidence. I am satisfied that she has not misunderstood the relevance of the appellant’s education as a potential risk factor. Having considered the various items of background material, whilst these may support the argument advanced by Miss Hussain, they do not compel a different outcome in this appeal. I consider that the judge was entitled to reach her finding that in large centres of population (such as Jalalabad) there would be sufficient numbers of other Afghans of a similar educational and social background to the appellant living and working there such that the appellant would be able to integrate into that society without drawing attention to himself from the Taliban. In short, I am not satisfied that the background material upon which Miss Hussain relies establishes that educated young Afghans are at real risk of serious harm at the hands of the Taliban anywhere within Afghanistan. In the circumstances, the appeal is dismissed.

Notice of Decision

7. The appeal is dismissed.
8. No anonymity direction is made.

Signed

Date 10 June 2017

Upper Tribunal Judge Clive Lane

TO THE RESPONDENT
FEE AWARD

No fee was paid or payable and therefore there can be no fee award.

Signed

Date 10 June 2017

Upper Tribunal Judge Clive Lane