



**Upper Tribunal
(Immigration and Asylum Chamber)
PA/00342/2018**

Appeal Number:

THE IMMIGRATION ACTS

Heard at Bradford

On 15 January 2019

**Decision &
Promulgated**

On 08 March 2019

Reasons

Before

UPPER TRIBUNAL JUDGE LANE

Between

**WAHAB WAFADAR
(ANONYMITY DIRECTION NOT MADE)**

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Ms Bhatti

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

DECISION AND REASONS

1. The appellant is a citizen of Afghanistan. His date of birth is disputed. By a decision dated 20 December 2017, the Secretary of State refused the appellant's claim for international protection. The appellant appealed to the First-tier Tribunal which, in a decision promulgated on 4 May 2018, dismissed the appeal. The appellant now appeals, with permission, to the Upper Tribunal.
2. Neither the grounds of appeal nor the grant of permission are particularly coherent. The grounds and grant appear to raise two particular issues. First, the grounds challenge the age assessment upon which the judge relied. At [19], the judge recorded that, on entry into the United Kingdom

in May 2016, the appellant claimed that he was 16 years old. The appellant had been referred to Cambridge County Council Child Services (CCCCS) for an age assessment. A letter written by CCCCCS and dated 3 May 2016 gives an assessment of age as at that date in excess of 18 years. At the hearing before the judge, the appellant was unable to tell the judge his year of birth or his age. As the judge records, 'he stated variously that he was 19, 20 and 21 during the hearing.' The judge found [22] the appellant was over 18 years old at the date of entry. The judge granting permission appears to have been concerned by the brevity of the CCCCCS age assessment. However, the appellant had not challenged that assessment by way of judicial review. I find that the judge was entitled to have regard to it, notwithstanding its brevity.

3. The second ground of challenge concerns the internal flight alternative. The judge rejected the credibility of the appellant's account but found, in the alternative, that would not be unduly harsh for the appellant 'a fit young man with some education' and 'no particular vulnerabilities' who had demonstrated that he is a man of 'resilience and resourcefulness' having travelled overland to the United Kingdom to relocate to Kabul. The appellant contends that the judge, incorrectly relying upon the age assessment, failed to have regard to his vulnerability and failed also to have regard to his asylum interview in which he had complained that he was suffering from memory loss. This, the grounds of appeal suggest, indicates that the appellant may be suffering from mental illness which requires treatment. The appellant had not obtained any form of medical evidence the grounds assert that the judge should have adjourned the hearing to enable a medical report to be commissioned. This argument is wholly without merit. No application was made from the adjournment. The interview record touches briefly upon the appellant's complaint about his memory but there is no suggestion at all that he is suffering from any mental condition which would render internal flight within Afghanistan unduly harsh. Even by the appellant's own somewhat incoherent self-assessment, he was over the age of 18 years at the date the tribunal hearing. The judge was unarguably entitled to conclude on the evidence that internal flight to Kabul would not be unduly harsh. That finding as regards internal flight was determinative of the appeal, irrespective of the credibility of the appellant's account of past events.

Notice of Decision

4. This appeal is dismissed.

Signed

Date 2 February 2019

Upper Tribunal Judge Lane

