



**Upper Tribunal
(Immigration and Asylum Chamber)
PA/01234/2019**

Appeal Numbers:

PA/012

35/2019

THE IMMIGRATION ACTS

**Heard at Manchester
On 25 June 2019**

**Decision & Reasons Promulgated
On 04 July 2019**

Before

UPPER TRIBUNAL JUDGE CHALKLEY

Between

**HARMEET SINGH KAKAR (FIRST APPELLANT)
HARVINDER SINGH KAKAR (SECOND APPELLANT)
(ANONYMITY DIRECTION NOT MADE)**

Appellants

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellants: Mr Holmes of Counsel, instructed by Legal Justice Solicitors

For the Respondent: Mr McVeety, a Senior Home Office Presenting Officer

REASONS FOR FINDING AN ERROR OF LAW

1. The appellants are brothers and are citizens of Afghanistan. They are both members of the Sikh religion and arrived in the United Kingdom with their parents on 31st March 2016.
2. Their parents' applications for asylum and/or humanitarian protection were refused by the respondent and their subsequent appeals were dismissed by the First-tier Tribunal on 17th August 2017 and 27th February 2018.

3. The appellants claimed asylum in their own right on 9th July 2018 and those claims were refused by the respondent in a letter dated 24th January 2019. The appellants appealed to the First-tier Tribunal and their appeal was heard in Manchester by First-tier Tribunal Judge Alis on 11th March 2019. He dismissed the appeals having applied *AS (Safety of Kabul) Afghanistan CG* [2018] UKUT 00118 IAC.
4. The determination was challenged on the basis that, amongst other things, Judge Alis had failed to recognise that the case of *AS* had subsequently been to the Court of Appeal and he failed to have regard to the decision of *AS (Afghanistan) EWCA Civ 208*. Both Mr Holmes and Mr McVeety agreed this morning that the determinations in respect of these two appeals could not stand and should be set aside.
5. I accordingly set aside the determination and remit the appeals for rehearing afresh by a Judge of the First-tier Tribunal, other than First-tier Tribunal Judge Alis. A Punjabi interpreter will be required.
6. **The hearing is likely to last two hours and should not be listed until the outcome of a current country guidance case is decided by the Upper Tribunal in August of this year, dealing with the question of Sikhs and their safety in Afghanistan.**

No anonymity direction is made.

Richard Chalkley

Upper Tribunal Judge Chalkley

Dated 02 July 2019