



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

Appeal Number: PA/01610/2019

THE IMMIGRATION ACTS

Heard at Birmingham CJC

**Decision & Reasons
Promulgated**

On 6th November 2019

On 22nd November 2019

Before

DEPUTY UPPER TRIBUNAL JUDGE KING TD

Between

AWAS [S]

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Ms A Patyna of Counsel instructed by Duncan Lewis & Co
Solicitors

For the Respondent: Mr D Mills, Home Office Presenting Officer

DECISION AND REASONS

1. The applicant is a citizen of Afghanistan who claimed asylum fearing a return to his home area. He claimed asylum following a clandestine entry to the United Kingdom in 2015.
2. That claim was refused by the respondent in a detailed decision of 10th January 2009.

3. The applicant sought to appeal against that decision, which appeal came before First-tier Tribunal Judge Bowler on 28th June 2019. The Judge recognised that the appellant was a vulnerable witness but nevertheless concluded that there were a number of matters adverse to his credibility.
4. Although it was accepted by the Judge that the appellant could not return to his home area, the Judge went on to consider internal relocation and particularly to Jalalabad.
5. The appeal was dismissed. Subsequently permission was granted to challenge that decision by way of appeal to the Upper Tribunal. Thus the matter comes before me for that purpose.
6. The grounds of appeal are detailed and it is perhaps unnecessary to set them out in this decision, it being the agreement as between the respondent and the appellant that there are indeed material errors of law in the decision, such that it should be set aside. In particular, although adverse findings of credibility were made little consideration was given either to the medical context or to the general vulnerability of the appellant to be viewed in that light.
7. Similarly, although the Judge thought that the parties should have considered Jalalabad as an alternative location, that was not a matter expressly raised with either party at the hearing for their consideration or feedback.
8. There was little consideration either to the issue of Kabul.
9. In those circumstances it is clear, applying the Senior President's Practice Direction, that this is a matter that should be sent back to the First-tier Tribunal for a full rehearing. A number of findings it was agreed however could be preserved and those findings are as follows:-
 - (1) the appellant is from Wardak;
 - (2) that he received no formal education in Afghanistan;
 - (3) that he attended college in the UK;
 - (4) that he was shot following the drowning of his friend;
 - (5) that it is reasonably likely that a blood feud would have started as a result; and
 - (6) that the appellant suffers from physical and mental health issues.
10. Subject to those matters it is for the First-tier Tribunal to determine the matter upon such issues and evidence as it determines to be relevant.

Any further directions that are required will be issued by the First-tier Tribunal.

Notice of Decision

11. The appellant's appeal to the Upper Tribunal is allowed. The decision is set aside to be remade by the First-tier Tribunal in due course.
12. No anonymity direction is made.



Signed
2019

Date 19 November

Deputy Upper Tribunal Judge King TD