



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

Appeal Number: PA/11073/2018

**THE IMMIGRATION ACTS**

**Heard at Cardiff Civil Justice Centre**

**Decision & Reasons**

**On 1 February 2019**

**Promulgated  
On 1 March 2019**

**Before**

**UPPER TRIBUNAL JUDGE ALLEN**

**Between**

**B I  
(ANONYMITY DIRECTION MADE)**

Appellant

**and**

**THE SECRETARY OF STATE FOR THE HOME DEPARTMENT**

Respondent

**Representation:**

For the Appellant: Ms S Alban of Fountain Solicitors

For the Respondent: Mr C Howells, Home Office Presenting Officer

**DECISION AND REASONS**

1. I do not need to go into detail in this case. It is common ground between the representatives, and indeed my view also, that the judge erred as a matter of law in failing to consider risk on return to Afghanistan to the appellant on the basis of returning as a minor as he was at the time of the hearing. This clearly fed through also into the judge's evaluation of the appellant's credibility since again the fact that he was a minor at the time when the events in question were said to have occurred was not taken into account by the judge. As a consequence, the appeal will have to be

reheard in full before a judge at Newport other than Judge Page. To that extent the appeal is allowed.

**Direction Regarding Anonymity - Rule 14 of the Tribunal Procedure (Upper Tribunal) Rules 2008**

Unless and until a Tribunal or court directs otherwise, the appellant is granted anonymity. No report of these proceedings shall directly or indirectly identify him or any member of their family. This direction applies both to the appellant and to the respondent. Failure to comply with this direction could lead to contempt of court proceedings.



Signed

Date 27 February 2019

Upper Tribunal Judge Allen