



Upper Tribunal  
(Immigration and Asylum Chamber)

Appeal Number: PA/03190/2018

**THE IMMIGRATION ACTS**

Heard at Field House  
On 28 August 2018

Decision & Reasons Promulgated  
On 11 September 2018

Before

UPPER TRIBUNAL JUDGE BLUM

Between

HABBIBULLAH [T]  
(ANONYMITY DIRECTION NOT MADE)

Appellant

and

SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

**Representation:**

For the Appellant: Mr I Palmer, Counsel, instructed by Barnes Harrild & Dyer  
Solicitors

For the Respondent: Mr S Kotas, Senior Home Office Presenting Officer

**DECISION AND REASONS**

1. This is a re-determination of Habbibullah [T]'s appeal against the respondent's decision dated 4 February 2018 refusing his protection claim and human rights claim. The appeal was considered and dismissed by judge of the First-tier Tribunal J Bartlett in a decision promulgated on 24 April 2018. In a decision dated 5 July 2018 a panel of the Upper Tribunal set aside the First-tier Tribunal's decision. The Upper Tribunal's decision was issued pursuant to the provisions of

rule 40(3)(a) and (b) of the Tribunal Procedure (Upper Tribunal) Rules 2008. The Upper Tribunal stated that the findings of primary fact were to be preserved. Both parties were given permission to adduce further evidence.

## Background

2. The appellant is a national of Afghanistan, date of birth 1 June 1995. He entered the United Kingdom on 21 July 2011 and claimed asylum on 25 July 2011.
3. I summarise the asylum claim. The appellant and his brother lived with their parents in the Baghlan District of Afghanistan. The appellant's sister married an Afghani but she and her husband went to Pakistan and the appellant believes she is deceased. The appellant's father had links with the Afghan authorities. Around the beginning of 2011 the appellant's father hid weapons in the family home. The following day the appellant's parents were shot dead by the Taliban in their home. The appellant's maternal uncle arranged for him and his brother to leave Afghanistan as they feared their lives were in danger from the Taliban. The appellant became separated from his brother during their journey to the UK and has not seen him since, despite an attempt to trace him by the Red Cross.
4. The appellant's asylum claim was refused but he was granted Discretionary Leave until 1 December 2012 as he was an unaccompanied minor. The appellant appealed against the rejection of his asylum claim but his appeal was dismissed by judge of the First-tier Tribunal Britton on 30 December 2011. The judge did not find the appellant's account credible. Judge Britton believed the appellant came to the UK for economic betterment, that his parents had not been killed, and that the appellant was in contact with his maternal uncle.
5. An in-time application for further leave to remain was refused by the respondent on 17 July 2014. An appeal against this decision was dismissed by Judge of the First-tier Tribunal Cameron on 1 June 2015. Judge Cameron considered further evidence including documents from the Red Cross relating to their contact with a village elder from the appellant's village, evidence from the appellant's key worker, and evidence of counselling sessions received by the appellant from Compass, a free counselling service offered by a Youth counselling charity 'Off the Record'. Judge Cameron found the appellant's account to be incredible and the appeal was dismissed. Judge Cameron accepted the appellant was "clearly suffering some mental health issues" and that he received counselling from Compass and treatment from his GP. Although the GP's report mentioned that the appellant suffered headaches and had problems sleeping and that he was under a lot of stress and worried about his family, there was no specific diagnosis of the appellant's mental health issues. Although judge Cameron accepted there was limited treatment in Kabul for mental illness, he did not accept that no treatment was available.
6. Further representations were made on the appellant's behalf and, in a decision dated 4 February 2018, the respondent considered these submissions as a fresh claim but refused the appellant's fresh asylum and human rights claim.

## The decision of the First-tier Tribunal and the preserved findings of fact

7. The judge considered further evidence from the Red Cross, including evidence relating to a call with a village elder on 22 June 2015 that was facilitated by the Red Cross, and watched a videoclip showing a person purporting to be the appellant's uncle being whipped by the Taliban.
8. The judge considered the Country Guidance case of **AS (Safety of Kabul) Afghanistan CG** [2018] UKUT 00118 (IAC) (hereafter, **AS**), which was said to have been handed down following the hearing of the appellant's appeal but before it was promulgated. Neither party was invited to make any further submissions in respect of the applicability of **AS**.
9. The following constitute the judge's primary findings of fact.
  - a) The appellant was born on 1 June 1995 in Baghlan District where he lived until he left Afghanistan. He is a Sunni Muslim and a Pashtu speaker.
  - b) The appellant's parents were killed by the Taliban.
  - c) The appellant's uncle was captured and tortured by the Taliban on suspicion of possessing firearms.
  - d) There was a Taliban presence in the appellant's home village.
  - e) The applicant is not in contact with his uncle or any other family in Afghanistan.
  - f) The appellant has depression and is prescribed anti-depressants and anti-anxiety medication.
  - g) The appellant has received counselling for a number of years, although he is physically able.
10. In his skeleton argument Mr Palmer asserted that the primary factual findings also included a finding that the appellant's father brought weapons to the family home and that he had been working for the Afghan government. It is not entirely clear from the First-tier Tribunal's decision that the judge accepted these particular assertions as there is no specific reference to weapons or the appellant's father's involvement with the government at paragraphs 28 or 29 of the decision. I am nevertheless persuaded, to the requisite lower standard, that the appellant has made good these assertions. The Taliban specifically targeted the appellant's parents and must have had a reason for so doing. The appellant's claim that his father brought weapons to the family residence is not inherently implausible and has been consistently made. The background evidence (such as the UNHCR Eligibility Guidelines for Afghanistan, 19 April 2016) makes it clear that the Taliban have targeted those associated with the Afghan government, or those it suspects of being associated. I additionally note that Judge Bartlett accepted the

appellant's core evidence. I therefore proceed on the basis that the appellant's father had been working in some capacity for the Afghan government and that he and his wife were killed by the Taliban after he brought weapons to family home.

### **Documentary Evidence before the Upper Tribunal**

11. The respondent's bundle contained, amongst other documents, the Reasons For Refusal Letter dated 4 February 2018, the Tribunal decisions dated 30 December 2011 and 4 June 2015, a Red Cross Message from the village elder to the appellant, further correspondence from the Red Cross, and the appellant's further submissions that eventually led to the February 2018 decision.
12. The original appellant's bundle (AB), prepared for the First-tier Tribunal hearing, contained, *inter alia*, several statements from the appellant, the appellant's screening and asylum interviews, several letters from Compass dating from 10 January 2016 to 26 March 2018, medication prescribed to the appellant including Phenergan (containing Promethazine hydrochloride), Propanolol, and Mirtazapine), a letter from Hampshire County Council dated 28 February 2018 confirming the appellant was a "looked after" young person when he arrived in the UK and became a care leaver when he turned 18, and was being supported by the South West Care Leavers Team with financial and emotional support, and confirming that the appellant currently attends college, and a letter, dated 3 April 2018, from Dr M Asongu of the Rainbow Health Centre noting that the appellant's past medical history included headaches, a sleep disorder (sleep walking), depression, stress, hairlessness, back pain, low vitamin D and suicidal ideation with intent.
13. The original bundle additionally contained documentation confirming the appellant's enrolment at Carshalton College where he was undertaking a NCFE L2 Dip Entry to Uniformed Services programme, and several education certificates including English language certificates. It also contained a letter from the Croydon Project Coordinator of Young Roots (formerly the Refugee Youth Project), dated 11 December 2015, indicating his 'serious doubt' as to the appellant's ability to cope or survive in Afghanistan. The bundle additionally contains background information on Afghanistan, and documents produced during the course of the appellant's previous appeals.
14. The appellant's Supplementary Bundle (SB) contains, *inter alia*, further letters from Compass authored by Ms Akiko Kobayashi which are dated 26 March 2018 and 16 August 2018, further details of the appellant's prescribed medication (the same as detailed above), confirmation that arrangements had been made for an overnight admission to the Sleep Studies Unit at Guy's Hospital on 26 July 2018, a letter from the Red Cross dated 9 August 2017, relating to Malik Ferdaus Tarakhel (the village elder), stating that the tracing service in Afghanistan was currently suspended, and a further letter from Dr Asongu, dated 9 August 2018, confirming the appellant's past medical history and additionally noting the

appellant's counselling with Compass and that he is awaiting sleepwalking management. The Bundle additionally contained a copy of **AS**.

15. SB also contains a further statement from the appellant, dated 3 August 2018. In this statement the appellant maintained that he would be personally targeted by the Taliban in his home area and that he would be unable to relocate to Kabul because he knew nobody in the city and he had no contact with anyone in Afghanistan. As long ago as May 2016 the village elder indicated his fear of the Taliban and did not wish to provide any more help to the appellant. In any event, the phone number provided to the appellant by the elder no longer worked and the Red Cross could not locate the elder. The appellant felt terrified at the prospect of being returned to Afghanistan and believed that Kabul was not safe and that militants regularly infiltrated the city. The appellant was terrified he would be found and kidnapped and murdered. The appellant described his level of integration having resided in the UK for 7 years and his desire to become a police officer. He confirmed he still attended Compass every two weeks and still felt extreme anxiety and hopelessness, and had great problems sleeping. The appellant sometimes felt suicidal, but the prescribed sedative did help. The appellant stated that his support workers had been wonderful and given him support and encouragement, and that, although he no longer had support workers, he had a new personal advisor. The appellant did not believe he would have been able to look after himself and achieve his certificates in college without them. The appellant maintained that he would have nowhere to live in Kabul, would be unable to find work, and would have no practical or emotional support.
16. Mr Palmer provided a skeleton argument and a May 2018 report 'EASO Country of Origin Information Report - Afghanistan Security Situation - Update'. I was additionally given a letter, dated 14 August 2018, from Tina Ayeni, the appellant's Personal Advisor from the Children's Services Department of Hampshire County Council, confirming that the appellant's rent was being paid by the Local Authority and that he was looking to complete his GCSEs in English and maths. In assessing the appeal I have taken account of all these documents.

### **The Upper Tribunal hearing**

17. The appellant adopted his various statements. There were no further questions in examination-in-chief and there was no cross-examination. I had no clarificatory questions for the appellant. The availability of internal relocation was the central issue in contention. Mr Kotas proceeded with his submissions on the basis that the appellant would be alone in Kabul. Both representatives heavily relied on **AS**, each drawing my attention to the Tribunal's assessment of relevant internal flight considerations including the availability of healthcare, employment and socioeconomic conditions, the support package available, the security situation, any risk from the Taliban, and the existence of a support network. Both representatives made submissions in relation to the evidence relating to the appellant's mental health. I have considered the representations in detail.

## The legal framework

18. The appellant relies on the grounds of appeal contained in section 84(1)(a) to (c) of the Nationality, Immigration and Asylum Act 2002. The lower burden of proof is upon the appellant to establish a real risk that he is a refugee. There is no burden of proof in relation to the overall issue of whether it is reasonable for a person to internally relocate (**AS**, at [44]; **Secretary of State for the Home Department v SC (Jamaica)** [2017] EWCA Civ 2112, at [36]).
19. Article 8 of the Qualification Directive (2004/83/EC) provides as follows:
  1. As part of the assessment of the application for international protection, Member States may determine that an applicant is not in need of international protection if in a part of the country of origin there is no well-founded fear of being persecuted or no real risk of suffering serious harm and the applicant can reasonably be expected to stay in that part of the country.
  2. In examining whether a part of the country of origin is in accordance with paragraph 1, Member States shall at the time of taking the decision on the application have regard to the general circumstances prevailing in that part of the country and to the personal circumstances of the applicant.
  3. Paragraph 1 may apply notwithstanding technical obstacles to return to the country of origin.
20. The Immigration Rules provide in Rule 339O(i):
  - (i) The Secretary of State will not make:
    - (a) a grant of refugee status if in part of the country of origin a person would not have a well founded fear of being persecuted, and the person can reasonably be expected to stay in that part of the country; or
    - (b) a grant of humanitarian protection if in part of the country of return a person would not face a real risk of suffering serious harm, and the person can reasonably be expected to stay in that part of the country.
  - (ii) In examining whether a part of the country of origin or country of return meets the requirements in (i) the Secretary of State, when making a decision on whether to grant asylum or humanitarian protection, will have regard to the general circumstances prevailing in that part of the country and to the personal circumstances of the person.
  - (iii) (i) applies notwithstanding technical obstacles to return to the country of origin or country of return.

## Whether the appellant has a well-founded fear of persecution in his home area

21. The First-tier Tribunal accepted the appellant's core evidence and found that he was a credible witness. I have set out the core findings at paragraphs 9 and 10 of this decision. The First-tier Tribunal did not however find that the Taliban had a specific interest in the appellant or his brother because the Taliban would have

been able to kill them after killing their parents. Instead the Taliban fled. This is an inference based on primary factual findings. I am not however bound by the factual inferences drawn by the First-tier Tribunal judge from her primary factual findings. The appellant's parents were both killed because the appellant's father was believed to be associated with the government's armed struggle against the Taliban. I additionally note that the Taliban were filmed interrogating and whipping the appellant's uncle about weapons. While there was no mention of the appellant in the video, both his father and his uncle, close familial relatives, were targeted by the Taliban.

22. The respondent's Country Policy and Information Note (CPIN): Afghanistan: Fear of anti-government elements (AGEs) (version 2.0, December 2016) refers to targeted groups and states, at 8.1.1,

The UNHCR Eligibility Guidelines for Afghanistan, published 19 April 2016, noted that Anti-Government Elements (AGEs) '... are reported to systematically target civilians who are associated with, or who are perceived to be supporting the Afghan Government, Afghan civil society and the international community in Afghanistan, including the international military forces and international humanitarian and development actors.' Though not an exhaustive list, other targets included: government officials and civil servants; judges, prosecutors and judicial staff; tribal elders and religious leaders; healthcare workers; humanitarian workers and human rights activists; women in the public sphere; individuals perceived as 'Westernised'; journalists and other media professionals; and families or individuals supporting or perceived to be associated with the above.

23. At 8.5.6 the CPIN again cites from the UNHR 2016 report that AGE's have targeted family members of individuals perceived as supporting the government, both as an act of retaliation and on a 'guilty by association' basis.
24. The above evidence is supportive of the appellant's claim that he may be targeted by the Taliban in his home area because of his close familial relationships, especially with his father. Although neither the appellant nor his brother were attacked by the Taliban when their parents were killed, one can only really speculate as to why this was. It may be, as the First-tier Tribunal concluded, that the Taliban were not interested in the appellant, or it may be that the Taliban wished to flee the scene of their crimes as soon as possible to avoid capture. Having carefully weighed the evidence and applying the lower standard of proof, and noting the Taliban's adverse interest in the appellant's uncle, I am persuaded that the flight of the Taliban is not indicative of a lack of adverse interest and that, if returned to his home area, the appellant would come to the specific adverse interest of the Taliban.
25. The First-tier Tribunal found, in any event, that the appellant would be at risk of the Taliban because of their presence in his home area. No issue was taken by Mr Kotas with this conclusion. Such a conclusion is consistent with the background evidence. The respondent's CPIN: Afghanistan: Security and humanitarian situation (version 5.0, April 2018), indicates, at 7.3.3, that, according to the Taliban,

it controls or contests nearly all of the districts in the southern provinces of Helmand, Nimroz, Uruzgan, Zabul, and Ghazni, and half of Kandaha, and that eastern and northwestern Afghanistan look equally bleak, as do the northern provinces of Kunduz and Baghlan. And at 8.1.5 the CPIN referred to a report from the Internal Displacement Monitoring Centre stating, "In June 2017 the UNSG report noted 'Between January and mid-May, more than 100,000 individuals were newly internally displaced across the country, with 29 of 34 provinces having recorded some level of displacement. The north, south, east and west of the country were similarly affected, with the provinces of Kunduz, Baghlan, Kandahar, Uruzgan, Nangahar and Faryab all reporting more than 6,000 people displaced.'" This evidence supports the appellant's claim that the Taliban are present in his home area and that he would consequently be at risk.

26. The re-determination proceeded on the basis that the appellant did hold a well-founded fear of persecution in his home area. The principle issue in contention was whether the appellant could reasonably be expected to internally relocate to Kabul. The reasonableness of relocation to Kabul has recently been considered in **AS**.

### **AS (Afghanistan)**

27. The first headnote of **As (Afghanistan)** reads,

*(i) A person who is of lower-level interest for the Taliban (i.e. not a senior government or security services official, or a spy) is not at real risk of persecution from the Taliban in Kabul.*

28. The appellant has never himself been involved with the Afghan government and has never fought the Taliban or publicly criticised the Taliban. His fear of the Taliban in his home area primarily stems from his father's perceived support for the government. He could not, on any rational view, be considered as anything other than of low-level interest to the Taliban. Mr Palmer did not suggest, either in his skeleton argument or his oral submissions, that the Taliban would persecute the appellant in Kabul. I consequently find that the appellant is not at risk of persecution from the Taliban in Kabul.

29. At [187] of **AS** the Tribunal found that a person on return to Kabul, or more widely to Afghanistan, to be at risk on the basis of 'Westernisation'.

30. Headnotes (ii) to (v) of **AS (Afghanistan)** read,

*(ii) Having regard to the security and humanitarian situation in Kabul as well as the difficulties faced by the population living there (primarily the urban poor but also IDPs and other returnees, which are not dissimilar to the conditions faced throughout many other parts of Afghanistan); it will not, in general be unreasonable or unduly harsh for a single adult male in good health to relocate to Kabul even if he does not have any specific connections or support network in Kabul.*



*(iii) However, the particular circumstances of an individual applicant must be taken into account in the context of conditions in the place of relocation, including a person's age, nature and quality of support network/connections with Kabul/Afghanistan, their physical and mental health, and their language, education and vocational skills when determining whether a person falls within the general position set out above.*

*(iv) A person with a support network or specific connections in Kabul is likely to be in a more advantageous position on return, which may counter a particular vulnerability of an individual on return.*

*(v) Although Kabul suffered the highest number of civilian casualties (in the latest UNAMA figures from 2017) and the number of security incidents is increasing, the proportion of the population directly affected by the security situation is tiny. The current security situation in Kabul is not at such a level as to render internal relocation unreasonable or unduly harsh.*

31. I will now consider whether it would be reasonable or not unduly harsh for this particular appellant to relocate to Kabul in light of the findings reached and the guidance provide in **AS**, having full regard to the appellant's personal circumstances. In so doing I am guided by the approach to reasonableness identified in **Januzi v SSHD** [2006] 2 AC 426 and **AH (Sudan) v SSHD** [2008] 1 AC 678. I note in particular that, if the appellant can live a relatively normal life in Kabul by the standards that prevail in Afghanistan generally, it will not be unreasonable to expect him to move there.
32. The appellant fled Afghanistan when he was 15 years old (arriving in the UK shortly after his 16<sup>th</sup> birthday). He received some education in Afghanistan but there is nothing in any of the earlier determinations to suggest he ever worked in Afghanistan. He nevertheless spent the formative years of his life in Afghanistan and, despite having resided in the UK for 7 years, is still likely to have some familiarity with the culture. There has been no suggestion that he would encounter any language difficulties. He would be returning as a 23-year-old single male.
33. The Presenting Officer made his submission on the basis that the appellant would be alone in Kabul. I note the First-tier Tribunal's inferred finding that, although the appellant was not in contact with his uncle or other family member in Afghanistan, he had the ability to contact his village elder by telephone who would be able to offer him some support, which may include indirect support such as who to contact or where to go in Kabul. The appellant was however expressly told by the village elder that he would not continue to assist the appellant for fear of his own safety. The appellant is not, in any event, in contact with the elder (in his most recent statement the appellant stated that the phone number was no longer working, and this assertion was not challenged by the Presenting Officer) and his attempts to trace the elder have been unsuccessful. As the appellant left Afghanistan as a 15-year-old it is unlikely that he would have had much opportunity to establish any significant relationships outside his family. Although it remains possible that he may establish some support after

return through his tribe as a Pashtun, I find, in light of the appellant's circumstances considered holistically, that he would be returned without any specific connections or support network in Kabul, or indeed in any part of Afghanistan outside his own home area. The Tribunal found however that a support network is not essential to obtain accommodation or employment in every case [207].

34. I have considered the various letters from Akiko Kobayashi, a BACP registered counsellor with Compass. Ms Kobayashi completed a MSc in Psychodynamic Counselling with Children and Adolescents in 2005 has worked as a counsellor for refugees for over 10 years. Before she began counselling work she worked as a staff nurse in Japan and the UK, in critical care setting. Although Mr Kotas submitted that Ms Kobayashi was not sufficiently qualified to say that the appellant had a very high risk of suicide, he did not challenge her qualifications or experience as a counsellor, nor contend that her other evidence relating to the appellant's mental health was incapable of having weight attached to it. I am satisfied that Ms Kobayashi is sufficiently qualified and experienced as a counsellor to give a reliable description of the appellant's mental health, particularly given that he has attended 64 counselling sessions with her over some 4 years. I further note that much of Ms Kobayashi's description is supported by the GP's description of the appellant's medical history. Ms Kobayashi described how the appellant's mental state has deteriorated over time and that it is steadily getting worse. The letters describe the appellant's increased feelings of hopelessness about his future, his confusion and forgetfulness, his inability to concentrate and to cope with stress, his considerable fear of being removed to Afghanistan, and the high possibility of him self-harming. The appellant has thought about jumping in front of a train and stated that he has a big knife in his kitchen to kill himself. The GP's letters also mention suicidal ideation with intent. The letters also refer to appellant's significant sleeping problems including frequent nightmares and sleepwalking, and note that his GP's has referred him to a specialist sleep clinic. In Ms Kobayashi's professional opinion, the appellant is "almost unable to function" and is unlikely to seek professional help in Afghanistan as he is so afraid of being found by the Taliban. The First-tier Tribunal found that the appellant has depression, is prescribed anti-depressants and anti-anxiety medication, and has received counselling for a number of years, although he is physically able.
35. According to **AS**, although progress has been made in providing healthcare, serious obstacles persist, and the private healthcare system is very expensive [141]. At [142] and [143] the Tribunal stated,

In terms of mental health care, the same EASO Report recorded very high levels of mental health problems in Afghanistan (particularly depression, anxiety and PTSD) creating significant needs but that there was a lack of trained professionals (psychiatrists, social workers, psychologists) and an inadequate infrastructure. Although the Public Health Minister reported that psychological services were available at some 1,500 health centres around the country with 300 dedicated mental

health clinics; there was only one dedicated mental health hospital in Kabul and Samuel Hall's study in 2016 referred to there being only three trained psychiatrists and ten psychologists in the whole of Afghanistan.

In Kabul specifically, there is better access to healthcare than in the provinces and the most qualified staff work there with specialist clinics and hospitals; albeit there is still significant room for improvement. There remains a shortage of equipment and demand which outstrips supply. Nearly half of Kabul residents can not afford medical treatment (as patients need to buy their own medicines and, in any event, pharmacies are poorly equipped). There are also instances of health facilities being targeted by armed groups [sic], including in Kabul.

36. Having regard to the documents before me I find that the appellant suffers from significant sleep problems, sufficiently serious to require his referral to a sleep specialist. He has difficulty sleeping, suffers frequent nightmares and sleepwalks. I have no reason to doubt the appellant's assertion, reflected in the Compass letters and the GP's letters, that he struggles with concentration and has memory problems that affect his education and have caused him confusion in respect of his own actions. I additionally accept that the appellant has suffered from frequent and severe headaches. Suffering from depression the appellant has low mood, cannot obtain enjoyment, and has experienced a loss of interest in things and feelings of hopelessness. Despite Ms Kobayashi's concerns as to the appellant's suicidal ideation and the references to this in the GP notes, there is no psychiatric report before me and therefore no sufficient evidential basis to entitle me to find that the appellant would be at high risk of suicide if removed to Kabul. I am nevertheless satisfied, having regard to the evidence from Ms Kobayashi and the appellant's GP, and in light of his prescribed medication and his extensive counselling, that the appellant is indeed a vulnerable young man. The 26 March 2018 letter from Compass referred to the appellant's CORE 10 Score, a short measure of psychological distress, which suggested he was suffering from severe psychological disturbance. I find, based on the extensive documentary evidence from the support organisations with whom the appellant has been involved, and the appellant's own unchallenged evidence, that he has a deep-seated genuine fear of the Taliban, even if that fear is not objectively well founded were he to remain in Kabul. I therefore accept Ms Kobayashi's professional opinion that the appellant is unlikely to seek professional help in Afghanistan as he is so afraid of being found by the Taliban, and that he would hide from the authorities and not seek out medical help. I additionally note her evidence that the appellant is almost unable to function. Although the appellant is currently living on his own he continues to have a Personal Advisor, he remains on medication, and his counselling continues with no planned ending date. I consequently attach weight to her professional view that, as a result of his genuine fear, the appellant mental health is likely to deteriorate and he may struggle to cope on his own without any support network, even if suitable medication was available and he was able to afford medical treatment.
37. The Tribunal set out evidence relating to the employment/socio-economic conditions in Kabul at [144] to [154]. Reports indicated that the majority of

employment was low skilled informal labour. One of the experts described the job market as being very competitive with positions being given to family members rather than being advertised or appointed on the basis of merit. Precarious day labouring work for little pay was available and could be obtained by people standing on the street or through a contact or network. Although one of the experts believed it was impossible for a person to get work even as a day labourer without a significant network or contacts, another expert believed a person did not need any references or network to obtain unskilled labouring work. Long-term employment or highly skilled jobs were however likely to require references. Although it was difficult to quantify the effect of mental health problems, one expert believed these may affect a person's ability to gain such employment. I find that the appellant's significant sleep problems, his difficulty concentrating, his periods of confusion and his frequent headaches, his depression and feelings of hopelessness and his genuine fear of the Taliban are likely to adversely affect his ability to find even low skilled employment. Although he has obtained various qualifications and can now speak English, he has no work experience and no specialist skills. At [222] the Tribunal found that stable, higher quality/better paid employment was difficult to obtain in Kabul without appropriately placed connections upon which a person could rely, and accepted that jobs were not advertised, and employment not offered on the basis of merit or open competition but were given to members of a family/those with connections. In these circumstances I find the appellant is unlikely to obtain higher quality employment.

38. In **AS** the Tribunal considered evidence that 74% of people in Kabul live in informal settlements with very limited sanitation, drainage or access to potable water, although those in informal settlements are likely to have access to electricity [215]. An existing support network in Kabul is not however an essential requirement for a single male to access accommodation, and the Tribunal in **AS** found that there was a basic level of support for a returnee from the UK which included an offer of temporary accommodation, travel expenses and either cash on return or support in kind for those with a plan to establish themselves in Kabul. The Tribunal stated, "This additional, albeit limited support, makes a material, even if only marginal, difference to the reasonableness of return to Kabul for a single healthy male" (at [227]). I have however found that the appellant is not a healthy male because of his mental health issues, and that he would struggle to obtain any employment. Although the support package may enable the appellant to access accommodation for a few weeks, I find that he is unlikely to afford accommodation when the package support runs out.
39. In determining whether it would be reasonable or unduly harsh for the appellant to remain in Kabul I have holistically considered all the circumstances of the appellant's case. I remind myself that **AS** held that it will not, in general, be unreasonable or unduly harsh for a single adult male in good health to relocate to Kabul even if he does not have any specific connections or support network in the city. For the reasons given above, I find that the appellant does not have connections or a support network in Kabul, and that he is not in good health. I

find that he is a vulnerable young man with significant mental health issues. I have concluded that he is unlikely to be able to access mental health provision in Kabul because of his genuine, albeit unfounded, fear of the Taliban. For the reasons given above I find he is unlikely to obtain any type of employment and that he is at real risk of becoming destitute even if he able to initially secure temporary accommodation. I am not satisfied that this particular appellant, having carefully considered his personal circumstances, could live a relatively normal life in Kabul even by the standards that prevail in Afghanistan generally. I consequently find it would be unreasonable or unduly harsh to expect this particular appellant to relocate to Kabul.

**Notice of Decision**

**The appeal is allowed on asylum grounds.**



Signed  
Upper Tribunal Judge Blum

Date 6 September 2018