



Upper Tribunal  
(Immigration and Asylum Chamber)

Appeal Number: AA/00478/2016

**THE IMMIGRATION ACTS**

Heard at Birmingham Employment Tribunal  
On 11<sup>th</sup> March 2019

Decision & Reasons Promulgated  
On 28<sup>th</sup> March 2019

Before

UPPER TRIBUNAL JUDGE KING TD

Between

ZA

and

Appellant

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

**Representation:**

For the Appellant: Mr M Bradshaw of Counsel, instructed by Central England Law Centre

For the Respondent: Mrs H Aboni, Home Office Presenting Officer

**DECISION AND REASONS**

1. The appellant is a citizen of Afghanistan assessed as having been born on 1<sup>st</sup> January 1999. He arrived in the United Kingdom on 20<sup>th</sup> August 2014. He was then a minor and was placed into the care of Social Services.

2. The appellant seeks to appeal against the decision of the respondent dated 2<sup>nd</sup> March 2016, refusing to grant him asylum or other protection or any leave to remain under the basis of human rights. That appeal came before First-tier Tribunal Judge Hall on 24<sup>th</sup> January 2017 and 14<sup>th</sup> July 2017. In a decision promulgated on 28<sup>th</sup> July 2017 the appeal was dismissed.
3. The appellant sought to challenge that decision and permission to do so was granted by Upper Tribunal Judge Kamara on 28<sup>th</sup> November 2017. Thus, the matter came before me for hearing on 13<sup>th</sup> August 2018 to determine whether or not the decision of the First-tier Tribunal Judge should be set aside for error of law or not.
4. For the reasons as set out in my decision promulgated on 28<sup>th</sup> August 2018, I found that there were significant errors in the approach taken to the factual situation relating to the appellant such that the decision should be set aside to be re-made in the Upper Tribunal.
5. The Judge had considered the country cases of **AA (Afghanistan) CG [2012] UKUT 00016** and **AK (Afghanistan) CG [2012] UKUT 00163** and had concluded that the appellant could safely return to Kabul.
6. It was argued that the appellant's profile with the Taliban was such as to expose him to a particular risk upon return. Further, it was contended that there had been no specific consideration of Rule 276ADE and the analysis as to whether there would be very significant obstacles to integration in Kabul. It was submitted that the case of **AS (Safety of Kabul) Afghanistan CG [2018] UKUT 118 (IAC)** did not alter that position and required in any event a fact-sensitive analysis.
7. At the resumed hearing Mr Bradshaw indicated that he relied essentially upon the original bundle that had been placed before the First-tier Tribunal in August 2018. He invited my attention also to a supplementary bundle filed under cover of letter of 4<sup>th</sup> March 2019. Most helpfully he drew my attention to the schedule of essential passages and to his skeleton argument.
8. He indicated it was not his intention to call the appellant to give any further evidence, otherwise than to indicate an update to the appellant's witness statement, namely that he had also been in contact with his mother in December 2018.
9. In terms of profile the appellant had lived with his parents and siblings in a village in Baghlan province.
10. His village was controlled by the Taliban. A paternal uncle was a Taliban commander who forced the appellant to undergo training with the Taliban for two or three times a month for two or three days at a time in the last year. He was trained to use weapons but came to understand that he was going to become a suicide bomber. When this was disclosed to his parents they moved him out of Afghanistan. He fears that if returned he will be killed by the Taliban or forced to become a suicide bomber.

He would be regarded as having left the Taliban. So far as his parents were concerned his father was a person who worked on the land and did not engage in any fighting and his mother also worked. His father was the oldest brother in his family, some of his brothers were supporting the Taliban.

11. The appellant explained that he would be taken by his uncle for training in the mountainous areas. It was said of the uncle that he was in charge of a group of about twenty men from local villages who were Taliban supporters. He had to learn about guns, how to load a gun, how to shoot a gun and practise shooting when on training. The appellant said that he had an elder brother who was also a Taliban member.
12. The First-tier Tribunal Judge found the appellant to be credible in that account. As I have indicated there would seem to be no good reason why that credibility finding should not be preserved in fairness to the appellant at this resumed hearing. The Judge went on to find that the appellant would be at risk in his home area and thus it was that relocation to Kabul was to be considered.
13. The primary fear of the appellant is that if returned to Kabul the Taliban will find out where he is and punish him for his having left their organisation.
14. In terms of his uncle as a local commander I have regard to the EASO Country of Origin Information Report of Afghanistan, Taliban Strategies – Recruitment of July 2012.
15. In terms of organisation there is clearly a hierarchy within the Taliban structure, local commanders are perhaps at the lower tier relying on their family or tribal connections to recruit and find fighters. It would seem that the description of the uncle with his twenty fighters recruited from the local village matches that profile. Mr Bradshaw did not seek to argue that the uncle was any more than a local commander. There was nothing to indicate that he had wider influence that would extend to Kabul. In any event, it has now been made clear by the appellant that in the course of fighting in the local area that uncle, the commander, has been killed. What is now suggested is that his sons, the appellant's cousins, would seek revenge for his killing. Given, however, the fact that he was killed in combat without any involvement of the appellant, that fear would seem at best to be speculative.
16. There is nothing to indicate that any more influential Taliban body would have been aware of the appellant's departure. As a matter of common sense his departure may have been a source of embarrassment to his uncle or loss of face. I find it extremely unlikely in those circumstances his departure would be communicated any wider.
17. It is said that now that the appellant is in contact with his mother there is a real risk that he will be traced through that connection but I do not find that to be reasonably likely in all the circumstances. It has been made clear his father and mother were not Taliban supporters and had been reluctant from the outset to allow the appellant to go with the uncle but felt that they had no choice. It was the appellant's father who

removed him to safety from the Taliban. In such a situation he would have every reason not to tell other members of the family who may still be Taliban as to the whereabouts of the appellant.

18. Considerable reliance is placed upon the expert report of Tim Foxley dated 5<sup>th</sup> August 2018.
19. In the report he sets out in general terms the situation in Afghanistan in general. There is reference to the Taliban striking into Kabul with suicide bombs and terror attacks. There was a significant spike in terror attacks in Kabul in the first quarter of 2018. He describes Kabul as a dangerous area because of the number and scale of suicide attacks on the city.
20. In terms of interest in the appellant, much would depend upon what he had done and what information was known about him. It was accepted, particularly in paragraph 38 of the report that it was less likely that he would present a profile for specific targeting and tracking beyond the particular local area where he had been known.
21. Mr Foxley touches upon whether the appellant would be questioned upon arrival at Kabul Airport but accepts that he does not have a good sense of the level of detail, scope, scale or intent of that process. His report indicates that he has sought that sort of information. He makes reference to the Afghanistan Analysts Network having recently investigated the return process that the German government takes. Such serves as a useful guide as to the possible process involved. Efforts are made to protect the confidentiality of internal returnees and on some occasions Afghan police and people from the Afghan Interior Ministry's Criminal Investigation Department are present when returnees arrive at the airport. Mr Foxley suggests that if information about the appellant's background came to light he may be detained for additional questioning, in which case the appellant might be at risk of unfair detention or mistreatment.
22. Mr Foxley comments at paragraph 44 of the report that in his view the Taliban do not generally monitor or track the arrival of failed Afghan asylum seekers, at least he is not seen reporting to that effect. The risk of the appellant being picked up by the Taliban simply by arriving at Kabul Airport is low because his personal profile is low.
23. In terms of the wider community in Kabul, the appellant's background is relatively low level and someone who was not a willing or pro-active member of the Taliban. It is the view of Mr Foxley that it does not seem likely that he will be at risk from the population at large. There may be risk from police and security forces beyond Kabul but unless the appellant is doing something suspicious any risk of targeting will be low.

24. Mr Bradshaw submits that the appellant may come into contact with third parties either upon arrival, or by random checkpoint, or indeed in applying for employment in which case he may be requested to outline his background. He submits that it would not be right to expect the appellant to lie about his family's and his involvement with the Taliban.
25. It seems to me that whether the appellant has such contacts and whether such questions are asked of him is speculative. As the reports indicate there has been a very large influx of people from outside Kabul coming into Kabul over the past years, indeed the suggestion is that there were 3,000,000 people within Kabul at the start of 2015, the population has risen sharply since then. It is estimated that some 570,000 people may be coming into Kabul in 2019. Those people are coming from all backgrounds and areas. It is a cosmopolitan city rather than a local community. In any event, if questioned, the applicant would truthfully say that his parents were not supporters of the Taliban nor that he was and that he left to seek asylum elsewhere. Mr Bradshaw seeks to suggest that, given the influx in the population, that many people find themselves forced to look outside Kabul for support and in those circumstances the risk of encounter with others is increased.
26. The appellant was not a Taliban fighter, nor was he a willing participant in the training. It seems to me that if he can quite truthfully give an account of himself it would not engage the hostility or disapproval of others.
27. A further suggestion is that he would become somebody of interest because of his westernised habits. That is a matter that was not supported by the Tribunal in AS and as such has not been pursued in the appeal before me.
28. To be recognised as a refugee as defined in Regulation 2 of the Refugee or Person in Need of International Protection (Qualification) Regulations 2006 as a person who falls within Article 1A of the 1951 Geneva Convention. It is for the appellant to show that he is outside his country of nationality, has a well-founded fear of persecution for a Convention reason and is unable owing to such fear to secure protection within his country of nationality. Alternatively, to be eligible for humanitarian protection under paragraph 339C of the Immigration Rules that there were substantial grounds for believing that if he was removed from the United Kingdom he would face a real risk of suffering serious harm and is unable or owing to such risk unwilling to avail himself of the protection of the country of return.
29. For the reasons which I have set out above, I do not find it reasonably likely that if returned to Kabul the appellant would be actively sought out either by the Taliban or by the Taliban members of his family, nor do I find that his low profile such as to expose him to a real risk of suffering serious harm or detention.
30. It was also submitted on behalf of the appellant that he is a vulnerable person, that there would be very significant obstacles to his reintegration into society even upon a return to Kabul. In those circumstances it is contended that he satisfies the

requirements in Appendix FM in relation to family life or paragraph 276ADE(1) in relation to private life.

31. A starting point for such consideration lies, it is submitted, in the statement of [P] who is a personal advisor working in the Asylum and Leaving Care Team of Warwickshire County Council. She has set out her experiences of the appellant in a letter dated 3<sup>rd</sup> August 2018. She has worked with the appellant since April 2017. He lives in one of the asylum team's rented houses which he shares with another.
32. He is described as polite with excellent spoken English and he presents as a British teenager in his appearance and beliefs. He was very frustrated and upset upon receiving the negative decision in his asylum claim. He is worried about returning to Kabul, that he has no network support there. He fears being homeless and without any source of income. Stress has become a factor in his health problems.
33. Although he has held the tenancy in the property for a year, he has been close to eviction because of a number of incidents which, she would suggest, shows his naivety and vulnerability to exploitation by others. He felt pressured to allow older Afghan males to stay in his home and invited people to share a meal and conversation. This began to spiral out of control with unknown people arriving at his house, being antisocial and his feeling unable to know how to deal with them. He felt unable to cope with the problem on his own or confront other members of the Afghan community who might have been taking advantage of him. He required the intervention of Social Services to put an end to that problem.
34. The appellant wants to train as a car mechanic and set up eventually his own business. Although there are courses and apprenticeships which he can take in the area in which he now lives, he does not believe that such opportunities would exist for him in Kabul. He feels safe and settled in the United Kingdom and fears to return to Kabul.
35. Mr Foxley in his report comments that unsupported youths and men without regular employment or reliable accommodation are at the risk of exploitation, be it insurgent, sexual, criminal or narcotic. There was no unemployment benefit per se. Insecurity and employment in Afghanistan is forcing Afghans into the capital looking for work. It is the view of Mr Foxley that the appellant would be at risk of a range of predatory exploiters given his youth, inexperience and limited education. He points to the appellant's lack of ties and the street survival knowledge about living in Kabul and perceptions that he is an outsider sympathetic to the west. As I have indicated, the issue of westernisation has been dealt with comprehensively by the Tribunal in AS.
36. Mr Foxley suggests that there would be difficulties for overland travel in or around the province, particularly with Taliban checkpoints. Moving to Kabul would require money, resources and information. It is suggested that lack of housing, access to food and unemployment are the key challenges to those who come to Kabul.

37. He makes reference to the Gladwell and Elwyn's study of young Afghan seekers in the UK and their return, the report "Broken Futures" of October 2012. Such highlights problems of reintegration on the part of returnees and difficulties in being accepted back as part of the community.
38. He stresses the issues of trust as being important to establish identity and find common acquaintances or family members and indeed to find employment or support.
39. He quotes the Gladwell and Elwyn report of the young people who return being reluctant to share their stories or to reveal their true selves.
40. It is said that reintegration is a significant problem for young returnees, particularly if they have been out of Afghanistan for a long period and have been in the UK care system. The practicalities of life arise such as choosing where to live, finding accommodation and sourcing money and financing needs. It is said that two-thirds have not been able to remain in Kabul and have moved on to other provinces. The natural difficulties have been the key feature of the majority of young returnees.
41. This is based on the report "After Return" documenting experiences of young people forced to be removed to Afghanistan, Refugee Support Network April 2016.
42. Thus, the ability to relocate within Kabul city area would be problematic according to Mr Foxley because of the combination of youth, inexperience and lack of employment and lack of experience of operating in Afghanistan as an independent adult. He said that the World Bank's assessment of housing and accommodation made in 2008 was still valid today. Although informal settlements provide shelter for 80% of the population and covers 69% of the residential land and much of that is self-constructed and in poor conditions. Indeed an Afghan report from 2015 described 86% of Afghanistan's urban housing as slums. Most of accommodation indicated are informal constructs often without official permission.
43. Mr Foxley also highlights the security situation in Kabul particularly the incursions by the Taliban and the random suicide bombings.
44. In terms of the Gladwell report, it is clear that the Tribunal in AS had regard to such reports. There is a detailed schedule attached to the decision showing the wide range of reports that were considered including that also of Dr Giustozzi of 20<sup>th</sup> July 2017. There are many reports that are considered as recently as October 2017.
45. Further, by way of general background, reliance is placed upon the report of the UNHCR of 29<sup>th</sup> August 2018 which sets out the general situation in Afghanistan and of asylum seekers in particular.
46. The report highlights that in assessing the reasonableness of Kabul as internal relocation, it must be shown that an appellant would have access to shelter, essential

services including water, sanitation, healthcare and education and livelihood opportunities or proven and sustainable support to enable access to an adequate standard of living.

47. The report speaks of the fact that in 2016 more than 1,000,000 Afghans returned from Iran and Pakistan, followed by an additional 620,000 in 2017. The enormous surge has resulted in extreme stress on the already overstretched absorption capacity in the city and district areas. It is said that there are limited job opportunities, no social protection nets and poor shelter and accommodation. It is said that the population growth in Kabul is outpacing the city's capacity to provide necessary infrastructures, service and jobs to citizens. The report also highlights the incidence of violence in Kabul, reporting 993 civilian casualties (321 killed and 672 injured) in Kabul province during the first six months of 2018. It is said that the number of civilian casualties in Kabul city caused by suicide and complex attacks in 2017 represented 70% of all civilian casualties in Afghanistan in 2017 caused by such attacks.
48. Reliance is also placed upon the United Nations Office for the Coordination of Humanitarian Affairs (OCHA) 2019 "Afghanistan Humanitarian Needs Overview" of 6<sup>th</sup> December 2018.
49. That is in substance a general report over the province as a whole. In terms of the figure of 670,000 cited, it is far from clear as to whether that represents returns to the country of Afghanistan as a whole or to Kabul in particular. The report seems to suggest the latter.
50. In terms of the outlook for 2019 and beyond, it is said that approximately 54% of the Afghan people live below the poverty line while a projected 480,000 to 600,000 young people are expected to enter the labour market each year until 2025. It is said that around 500,000 young males are already unemployed and 71% of young people cite unemployment as the biggest problem that they face. This seems to be a general comment rather than particularly focused upon Kabul.
51. Finally, there is the Norwegian Refugee Council (NRC) "Returning to What? The challenges displaced Afghans face in security durable solutions", 27<sup>th</sup> November 2018. Again, that seemed to be a generic report covering Afghanistan as a whole. It speaks of displaced Afghans being less likely to be accessing education and gaining access to livelihood opportunities. Displaced households frequently find themselves in debt.
52. The starting point for such considerations clearly is to recognise that the Tribunal in **AS (Safety of Kabul) [2018]** sought to give guidance having had regard to a very wide range of reports as can be seen in the schedule.
53. It was the general conclusion of the Tribunal that, having regard to the security and humanitarian situation in Kabul it would 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.

54. The Tribunal emphasised that the particular circumstances of the individual must be taken into account in the context of conditions in the place of relocation, including age, nature and quality of support network, connections with Kabul, physical and mental health, language, education and vocational skills to determine whether a person falls within the general proposition as advanced.
55. It is recognised that a person with support network or specific connections in Kabul is likely to be in a more advantageous position on return.
56. In terms of the security incidents, it is recognised that they are increasing but it was not considered that the current security situation in Kabul was at such a level as to render internal relocation unreasonable or unduly harsh.
57. It is particularly noteworthy that the Tribunal received a large number of reports, in particular reports from Dr Giustozzi and Dr Schuster concerning matters such as healthcare and employment and socioeconomic conditions. The high unemployment rate was noted and as to the low skilled and informal, the job market was very competitive.
58. It was noted that there was to some extent a disagreement between experts on a number of matters. Dr Schuster, for example, considered that it was impossible for a person to get work even as a day labourer without significant network or contacts in Kabul, whereas Dr Giustozzi's evidence was that a person does not need any references or network to obtain unskilled labouring work. Although they may be asked their name or where they are from there would be no further checks on that information or that person for such work.
59. In terms of any support that might be available that was considered at paragraphs 155 onwards. There were different procedures and assistance packages in place depending whether a person is voluntarily returning to Afghanistan or being forcibly returned. It is said that IOM had assisted over 15,041 voluntary returnees from Europe since 2003 and in 2016 6,711 people voluntarily returned to Afghanistan from Europe through the Assisted Voluntary Return and Reintegration Programme. The programme has preparation, return, reception and reintegration as its main components. In certain cases a quantity of cash would be made available. IOM was able to give clothing and assist with airport facilities and counselling which extended to advice as to housing and employment.
60. Outside of IOM there was evidence of other smaller organisations offering assistance to returnees.
61. Consideration was also given in the decision to the views of certain individuals who had been returned. In 2017 the UNHCR had published "Tough choices for Afghan

refugees returning home after exile” which detailed results of a survey of 4,285 people by face to face interview on the point of arrival and telephone interview with some 1,300 returnees three months thereafter. A large proportion said that they were warmly received by communities on return and that they felt the right decision to return.

62. At paragraph 167 of the decision in AS was the Refugee Support Network who monitored 25 care leavers on return to Kabul. It was their view that they had found a range of interconnected difficulties on return, particularly with relationships, insecurity, education, work and mental health. The Humanitarian Needs Overview 2018 considered that those who returned were dependent on improvised family arrangements and international humanitarian support to survive. Thus, there was presented before the Tribunal a wide range of views on the experience of returnees.
63. The Tribunal in paragraph 202 took as a starting point the views of UNHCR in determining the reasonableness of a place of internal relocation, the passage in the report to which I have already made reference. It was noted by the Tribunal there was a variety types of shelter in use in Kabul city .It did not find evidence as to widespread homelessness or destitution and noted the large numbers of informal settlements.
64. The Tribunal came to the conclusion in paragraph 219 of the judgment “we do not find that a single male returning to Kabul would be unable to find some sort of accommodation which is comparable to that available for the majority of the population in Kabul, even without support from a network in the city”. Nor did it find that a single male returning to Kabul would face accommodation conditions which were materially worse than that available in other parts of Afghanistan. The Tribunal attached weight to the fact that Kabul remains a destination of choice for returnees given that it has greater economic prospect than other areas. The Tribunal took into account the possible assistance on return for those who are returned and found that there was evidence of a basic level of support which includes temporary accommodation and travel expenses and other cash on return.
65. Although the economic conditions in Kabul were poor, the Tribunal found that there were livelihood opportunities available for single men in good health on return and that there was no real likelihood that they would be forced to return to crime or be subject to exploitive work or join an armed AGE. The ability to speak a local language in Kabul also was an advantage.
66. The issue of reasonableness of relocation was summarised by the Tribunal in AS in paragraph 249 in this way:

“The next issue is then whether it is reasonable for the appellant to internally relocate to Kabul. The appellant is a healthy adult male who has spent the majority of his life in Afghanistan, going to school there and arriving in the United Kingdom at the age of 22. He speaks Pashto and has no specific or

identified vulnerabilities. He has been out of Afghanistan now for nine and a half years but left when he was an adult. The appellant states that he has no contact with his family in Afghanistan (mother, brother or uncle) and it is unknown as to whether he would be able to re-establish contact with them on return if he chose to do so. In those circumstances, based on our general conclusions set out above, we do not find that it would be unreasonable or unduly harsh for the appellant to internally relocate to Kabul. He would be returning to living and humanitarian conditions in Kabul which affect the majority of the population and where he could live a relatively normal life without undue hardship. Whilst we accept that conditions and prospects in Kabul, and also in Afghanistan generally, are very poor, there is no reason that this appellant would be any less able than any other to bear those conditions, even taking into account past treatment in his home area. The current security situation in Kabul is not such as to render internal relocation there unreasonably or unduly harsh”.

67. The appellant in this case of course left Afghanistan as a minor when aged 15 and not as an adult. He will be returning aged 20.
68. He experienced training in combat in the mountainous area of his home in the process of leaving Afghanistan and has stood on his own feet. He has shown resilience and resolve. It is clear that he has had difficulties to cope with, in terms of managing the people who sought to take advantage of his generosity. He has had assistance and has overcome such difficulties. He has grown up and learnt by life's experience to cope. That he is stressed and unhappy with his situation and the uncertainties in which he is living is entirely understandable, but there is nothing in the letter from [P] to indicate any underlying mental health or health difficulties.
69. In terms of the living conditions in Kabul little has been advanced in this hearing to indicate that there has been any marked difference since AS was promulgated. As I have indicated, the Tribunal has taken the widest possible regard of the material, much of which has been presented before me today. Although the appellant has no prior connections with Kabul he has at least established contact with his family, particularly his mother, in a province which is not too far away from the city itself. Such contact provides some encouragement and support, though whether that support is of a financial nature is far from clear. However, it is to be noted that despite their modest circumstances the appellant's parents were able to finance his leaving Afghanistan. In the circumstances it is not possible to ignore the possibility of some family support to the appellant in Afghanistan.
70. It is right to note that AS was focusing perhaps more upon the principles of reasonableness of relocation as set out in the leading case of Januzi rather than the considerations which apply to 276ADE.
71. In that connection my attention was drawn to the decision of the Court of Appeal in Parveen [2018] EWCA Civ 932.

72. Consideration was given particularly to paragraph 276ADE in the light of **Kamara [2016] EWCA Civ 813** and **Treebhawon [2017] UKUT 13 (IAC)**. The court commented upon the passage in the judgment of **Treebhawon** which indicated:
- “The other limb of the test, ‘very significant obstacles’, erects a self-evidently elevated threshold, such that mere hardship, mere difficulty, mere hurdles and mere upheaval or inconvenience, even where multiplied, will generally be insufficient in this context”.
73. The Court of Appeal in paragraph 9 of its judgment found that not to be particularly helpful gloss to the Rule. It recognised that the words “very significant” connotated an “elevated” threshold but did not find that the gloss was particularly helpful. Rather, the Secretary of State or the Tribunal in any given case was to assess the obstacles to integration and to determine whether they could be characterised as hardship or difficulty and to decide whether to regard them as “very significant”.
74. The factual basis of the case may not necessarily be particularly helpful as it was an appellant from Pakistan who had lost all contact with her community. It was noted in that connection that the appellant in that case was a healthy female and well aware of the common language, customs and culture. The reasoning of the Secretary of State was upheld in that decision.
75. The basis of consideration of reasonableness under the case of **Januzi** was of course based upon the need for economic and social survival of an individual. It would be unreasonable to expect an individual to return to the situation of likely destitution or humiliation. In general terms, it was the finding of the Tribunal in **AS** that a young healthy male going to Kabul would be likely to find work and accommodation and to survive economically.
76. If that be the case it is unlikely that the ambit of 276ADE lowers the threshold to that consideration.
77. As the reports make clear, the difficulties with work and accommodation apply throughout Afghanistan as does the level of poverty. The appellant grew up in that environment. Although he now enjoys a perhaps more comfortable lifestyle such does not necessarily follow that he would be unable to cope with the nature and standard of life in Afghanistan were he to return. Like others he would have to compete in the labour market and seek his accommodation. His contact with family could provide that necessary advice and financial assistance that he needs to establish himself. It has been indicated he has shown resilience in leaving Afghanistan and restarting his life in the United Kingdom. He is now a young adult and hopefully has gained wisdom and life experience. There is no indication of any personality disorder or underlying psychological difficulties which would render his contact with others or his ability to work difficult.

78. Even being aware to consider the individual circumstances of the appellant, it is difficult to see any real distinction between his situation and that of the appellant before AS, otherwise than of his age. I bear in mind that in return there is the assistance of other organisations to help that transition. It seems to me to be an important matter to bear in mind in answering the question whether there are very significant obstacles to integration. I do not find there to be so, I find that his return to Kabul is also reasonable within the ambit of Januzi.
79. In the circumstances therefore, I do not find that the appellant is at risk of serious harm either under asylum or humanitarian protection or that his Article 8 rights will be breached by any removal that is made.

**Notice of Decision**

80. The appeal is refused both as to asylum, humanitarian protection and human rights particularly as to 276ADE and Article 8 of the ECHR.

**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 his 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 25 March 2019

Upper Tribunal Judge King TD