Upper Tribunal
(Immigration and Asylum Chamber) Appeal Number: PA/01471/2015

THE IMMIGRATION ACTS

Heard at Field House	**Decision & Reasons Promulgated**
On 23 December 2020	**On 2 February 2021**

Before

UPPER TRIBUNAL JUDGE ALLEN

Between

S K
(ANONYMITY DIRECTION MADE)

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:
For the Appellant: Mr R Spurling instructed by Duncan Lewis & Co Solicitors (Harrow Office)
For the Respondent: Mr E Tufan, Senior Home Office Presenting Officer

DECISION AND REASONS

1. The appellant is a national of Afghanistan. He appealed to a Judge of the First-tier Tribunal against the respondent's decision of 18 September 2015 refusing an application for further leave to remain in the United Kingdom which incorporated an asylum claim.

2. His appeal against that decision was dismissed by a Judge of the First-tier Tribunal, but subsequently in a decision dated 21 August 2019 Deputy

Upper Tribunal Judge Jordan found a material error of law in the First-tier Judge's decision with regard to risk to the appellant on return in his home area, Nangarhar Province and with regard to internal relocation.

3. Deputy Judge Jordan dismissed the challenge made to the First-tier Tribunal's Judge's assessment of the appellant's credibility, however. The First-tier Judge had accepted that the appellant had a degree of depression, low mood and anxiety, based on a report of a Dr Bargiela, but did not accept that criterion B for a diagnosis of PTSD existed. The judge also found that the appellant had not taken or attempted to take any steps to contact his family members in Afghanistan. This was on the basis that the judge found he did not need to do so because he had contact with or the ability to contact family members at will. He made this finding on the basis that the appellant's cousin Mr Jabarkhyl had said in re-examination when asked whether if the appellant arrived at Kabul Airport his father and/or brothers would collect him that of course they would do so because he was a relative and they would treat him as a guest for a day or two.

4. Deputy Upper Tribunal Judge Jordan stated at paragraph 25 of his decision that he was firmly of the view that the evidence of Mr Jabarkhyl was an expressed and unequivocal rejection of the appellant's claim that the appellant had no family or other support available to him on return to Afghanistan. He did not accept that the judge had made adverse credibility findings against the appellant simply because he rejected his own evidence. He had also relied upon the fact that an earlier judge had rejected the appellant's account of this important element of the claim. That finding had not been the subject of a successful appeal and as Judge Jordan put it, on any view that conclusion was the starting point (if no more). The judge had also considered the appellant's vulnerability in coming to his credibility findings. He noted also that the judge had made copious references to Dr Bargiela's opinion. He had not disputed the finding of depression but pointed out that her use of the diagnostic criteria were based on a misconception of the appellant's circumstances, given the judge's finding that the appellant would be able to contact family members on return to Afghanistan.

5. There was subsequently a directions hearing before Upper Tribunal Judge Blum, the matter having been delayed to await the promulgation of the country guidance decision in AS [2020] UKUT 00130 (IAC). It was accepted that further medical evidence was likely to be relevant to the issue of internal relocation and also though the challenge to the finding that the appellant had family support mechanisms available to him had been rejected, a further year had passed and Judge Blum considered that fairness was likely to require the appellant to be given an opportunity to adduce any new evidence relating to the continued existence of family support mechanisms.

6. On that basis the appeal came before me.

7. The only oral evidence was from the appellant's cousin Mr Jabarkhyl. He provided a further statement. He relied on it as being true to the best of his knowledge and belief. He made one correction. In his statement it said that he had travelled to Afghanistan on 23 February 2020 following the sad news that his parents had passed away. In fact they had been ill when he travelled to Afghanistan. He had been taking care of them as he was the oldest son. His father had had a heart attack and his mother was fine at the time. His father had gradually recovered and then suffered from COVID-19 as did the witness and his mother. They were in the hospital. After another heart attack his father died and his mother died a few weeks later.

8. The fresh evidence put in included photographs of his father's funeral. As regards his remaining family in Afghanistan, his sister now also lived in the United Kingdom. His parents, as recorded above, had died, and his younger brother was also in the United Kingdom.

9. He was asked who therefore was in Afghanistan and said just an aunt of his and she lived in Pakistan. Also there was a paternal uncle who lived in Pakistan but nobody lived in Afghanistan except two of his brothers who he said were in France. Their wives and children were in Afghanistan, in Jalalabad.

10. He was asked whether if the appellant was sent back to Afghanistan his sisters-in-law could help him and he said that based on the cultural norms they could not unless the woman was related to you. He was related to his brother's wife but the appellant was not so related.

11. When cross-examined by Mr Tufan he said that his mother had also died when he was in Afghanistan. He agreed that someone else had taken the photographs put in of his father's funeral but there were none for his mother. A friend had sent them to him. You did not take photographs when your father died. He was asked whether he was in the photographs and he looked at them and identified himself in the photograph in the bundle at page 30.

12. He was asked whether there was any documentation otherwise to confirm that his parents had died and he said that there was none at the moment.

13. He had claimed asylum when he came to the United Kingdom and he had been refused but was granted exceptional leave to remain and subsequently indefinite leave to remain. It was put to him that despite his asserted fear in respect of living in Afghanistan he had been back several times, in 2020 and also in 2018. He had gone back in 2018 for 45 days. At home he spoke Pashto and the appellant did also. He was asked whether the appellant spoke any other language and said that he himself knew Farsi as well but not the appellant. He, the witness, also spoke Urdu.

14. There was no re-examination.

15. In his submissions Mr Tufan identified the two issues which were: risk to the appellant in his home area which was Nangahar Province and if not whether it would be reasonable for him to relocate to Kabul.

16. It seemed from the most country guidance decision in AS and the latest background evidence that there appeared to be a higher number of casualties in Nangahar than in Kabul. The figures suggested that twelve and a half times more people were casualties there. The EASO Report cited in the CPIN suggested that there would be an Article 15(c) violation in the case of a person returned to Nangarhar. This was just one piece of background evidence and it was argued that the figures did not show Article 15(c) risk in Nangarhar.

17. The country guidance case referred to Nangahar at paragraphs 94 and 95. There were also references at paragraphs 105 and 106 showing the top destinations for returnees in Nangahar and Kabul. They had a third of all returnees of the total. Mr Tufan also drew attention to paragraph 115 which referred to the high number of returnees to Nangahar as 798,000. He argued that therefore despite the asserted risks, a large number of Afghans were returning to Nangahar. It could be seen from paragraph 115 that Nangahar hosted 50% of all returnees. The annex at paragraph 52 showed the figure with regard to Kabul as 0.22 casualties per 100,000, and 0.5 in Nangahar. As a consequence it was argued that the appellant could return to Nangahar as had been found by the previous Tribunal. He would have family support.

18. With regard to the witness statement, the appellant's cousins' parents were said to have died. The Tribunal was asked to find this late evidence not to be credible. The appellant's cousin claimed to be the eldest son, but in the photograph where he identified himself he was not carrying the coffin. The only identification of him was at page 30 and it was a distant figure and the face could not be said to represent the witness. There was therefore no documentary evidence to suggest that the deaths had occurred.

19. If this evidence were true, you would think there would be documentary evidence and witness statements would have been obtained. No weight should be given to this.

20. If the Tribunal disagreed then the appellant would be returned to Kabul. According to the latest country guidance Kabul was safe and reasonable for relocation and the only proviso was the appellant's mental health condition and the only reason he could be said not to be able to go back.

21. There were two medical reports. In her report Dr Bargiela clearly stated at page 38, paragraph 72 that the appellant did not meet the full criteria for PTSD. The psychologist had met the appellant face to face so she could observe him.

22. From the latest report, which was done on the basis of a video examination, again it was not a psychiatrist but a psychologist who provided the report, there was an oddity at paragraph 30 referring to an English Farsi interpreter whereas it was clear that the appellant spoke Pashto only, as confirmed by his cousin today. It was rather curious as to whether the appellant had completely understood what was said and could meaningfully engage. It was not a face to face interview but it had been concluded that he suffered from PTSD and it was unclear why. It was her personal opinion, for example at paragraph 64. There was no background evidence or academic footnotes provided. Paragraph 78 referred to the appellant's depression. Paragraphs 77 and 88 had no academic footnotes to support what was said but were just based on what the appellant had told her. Paragraph 93 referred to the cause. The appellant had been found not to be credible by earlier First-tier Judges. The findings at paragraph 94 to 97 suggested that the depression was largely caused by his asylum claim. There was no finding of self-harm previously and it was said at paragraph 102 to be low risk. Paragraph 109 was rather curious and it was unclear why this was said. Paragraph 113 contained matters outside her limits. As a consequence it was argued that the earlier psychologist's findings that the appellant did not suffer from PTSD stood. He had depression. The decision in HA still applied and referred to mental health issues. At paragraph 20 it was said that around 60% of the Afghan population had mental health problems.

23. Mr Tufan referred also to the latest CPIN of December 2020 concerning medical and healthcare provision in Afghanistan. Section 12 addressed mental health issues in Afghanistan. He relied on what was said at paragraph 12.1.1. There was treatment available in Kabul for mental health patients and it was affordable. AK considered the matter in some detail at paragraph 212 to 224 as to what awaited those who returned. Paragraph 224 was concerned with the available assistance to returnees and paragraph 225 was concerned with mental health matters. The latest country guidance did not appear to say otherwise. It would therefore be reasonable for the appellant to relocate to Kabul. He would have access to family support as his cousin had previously said. The appeal should be dismissed.

24. In his submissions Mr Spurling relied on the points set out in his skeleton argument and in his submissions addressed the arguments put forward by Mr Tufan. He agreed that they were the two issues identified.

25. With regard to the issue of risk in the home area, there was the CPIN and the 2020 country guidance case which, as Mr Tufan accepted, showed two and a half times the level of casualties in Nangahar in comparison to Kabul. The evidence as set out in the skeleton showed from the CPIN and the EASO Report that there was a change in the situation and a lot of violence in 2018 to 2019. The government had got the upper hand during 2019. There was the reference in the EASO Report, pages 10 and 11, as

referred to in the skeleton at paragraph 23. Hesarak was the appellant's home area and reference to that was made at paragraph 24 of the skeleton. It showed that Nangahar was very much still an actively contested area.

26. Mr Spurling referred to Mr Jabarkhyl's evidence as to the situation when he was in Nangahar and that was consistent with the EASO Report. It was necessary to take into account the level of violence and the fact that it was a contested area and the volatility was important and there was also Dr Giustozzi's report at page 65 paragraph 6 as to the situation in 2018. Page 66 brought the matter more up-to-date but paragraph 7 was important also. There was risk in the local area and the appellant would stand out if he settled in a rural area. The authority of Januzi of [2006] UKHL 5 was of clear relevance.

27. With regard to Article 15(c) risk and the circumstances in particular of the appellant, the question was not just of numbers per 100,000 of wounded or killed but regard to the insecurity in the area in general was of relevance. There was a general state of chaos when added to the casualty rate which was relevant with regard to the safety of the area. It seemed on the evidence to be currently the most dangerous area in Afghanistan. This was also the evidence of Dr Giustozzi. Health centres had been closed down and the appellant had no news of family members there for years, and would be without local connections to help out. The Article 15(c) threshold was therefore crossed. The views of EASO did not bind the Tribunal but had to be taken into consideration as respectable sources of information including being referred to by the Secretary of State in the CPIN and this added to its weight and was persuasive. The home area was too dangerous for the appellant to return to.

28. With regard to Mr Tufan's reference to paragraphs 106 and 115 in the latest country guidance case, and the significant numbers of returnees to Nangahar, in any situation where a lot of people fled and a lot returned this would increase volatility and also we did not know why they returned and it did not mean it was because it was safe but could be because there was nowhere else to go and no other option. Mr Spurling referred to the source at paragraph 106(c) in the 2018 report which covered the figures since 2002 and told one nothing about the peaks and troughs of the flow of returnees. It was unclear whether it was a steady rate or a lot earlier and few later and little assistance could be derived from that. The same point could be observed at paragraph 115, but with regard to 2012 to 2018 it was again a lengthy period. So it did not take one very far.

29. With regard to return to Kabul, in essence the country guidance case in 2020 reiterated the analysis from 2018 and updated it and it was essentially the same. It was necessary to assess the particular vulnerabilities of the person. Generally return would be reasonable. Mr Spurling referred to paragraph 27 of his skeleton and the findings in the country guidance case set out there. The appellant had left Afghanistan at

the age of 14 and was now 22. He spoke Pashto and was familiar with elements of the culture but had never lived in Kabul. There was a contrast between coping in a village in Nangahar and living in Harrow in the United Kingdom and this did not set down a sufficient foundation for effective coping in Kabul when he had mental health difficulties. It was not suggested that he had connections to Kabul, although he was said to have connections in Afghanistan. The Tribunal had heard Mr Jabarkhyl's evidence. It was quite detailed information and credible and there was no supporting documentary evidence, it was true, but Nangahar was chaotic and difficult along with the COVID-19 difficulties also, so it was not surprising. The guidance in Kasolo was relevant. The Tribunal should find that to the relevant standard the evidence was credible as Mr Jabarkhyl said that there were only wives and children of his brothers who were in France who were remaining in Nangahar. They were in Jalalabad and not Kabul. Also as they were women there were the cultural complications that that brought and they were not directly related to the appellant and had their own children to care for.

30. It would be all right if the appellant was a single, healthy male but the medical evidence was important. As regards what Mr Tufan said about the latest report and the appellant being said to have spoken in Farsi, Mr Spurling did not know about that. He did not know what the situation was but the expert should not be seen to be trying intentionally to mislead. In all likelihood it was just a slip. It was clear from the rest of the report that there was no reference to difficulties in communication or understanding and she would have said so if that had been the case. The appellant had been in the United Kingdom since 2012 so he could express himself in English. It was a point to note but not significant as undermining the expert.

31. Mr Tufan had cast doubt on the diagnosis of PTSD in contrast to the earlier report, but the time between the two should be borne in mind and there could be a variation in intensity, but more, the expert had said why she came to a different conclusion. Her findings were summarised in detail at paragraph 8 of the skeleton. She had noted differences and had also explained why. She diagnosed PTSD rather than depression. She had gone into this in some detail engaged with the differences of view. As regards Mr Tufan's point about paragraph 109 and the lack of explanation there was and that could be seen at paragraph 108. Also there was a link between the appellant's conditions as clearly set out. It should be found that the second report was more reliable than the first. The evidence had been carefully assessed and fabrication had been considered.

32. As regards available treatment in Kabul, Mr Spurling referred to paragraph 14 of his skeleton, again quoting from the expert report. The real difficulty was as set out at paragraph 126 of the report. This should be added to what Dr Giustozzi said about obtaining accommodation and work in Kabul. Mr Tufan had made the point that there was evidence that 60% of the population of Afghanistan had mental health problems but that did not

help the Secretary of State's case and made it more difficult for the appellant to fit in and establish himself. The question was of the impact on his life and available assistance. With regard to the CPIN at section 12 it did not significantly change the situation from the two AS country guidance cases. It was the case that there were some counsellors and the WHO evidence and the appellant did not currently need in-patient treatment but with his current vulnerabilities and the lack of available support this would accelerate his condition and there was little medical support in Kabul or in Afghanistan generally. The evidence did not show he would get the support he needed. In his particular circumstances, going from his cousin's family to Kabul, and bearing in mind the changes in the evidence since the judge's decision, relocation to Kabul would not be reasonable. The appeal should be allowed.

33. I reserved my decision.

Discussion

34. As set out above, the finding of the First-tier Judge that the appellant has family members available to meet him on return at Kabul was found not to be legally flawed. Specifically it was said by Deputy Judge Jordan that the finding that the appellant has family support mechanisms available to him and would be collected at Kabul Airport was a sustainable finding of fact.

35. The most recent evidence of Mr Jabarkhyl is that his mother and father both died during his recent visit to Afghanistan between February and June 2020 and the only relatives left in Pakistan are his own sisters-in-law with their children who would not be able to offer the appellant support. In support of his claim that his parents have died photographs have been provided which purport to show him attending his father's funeral. He says in his witness statement that unfortunately due to the infrastructure in Afghanistan deaths are not normally registered.

36. I do not find this evidence to be credible. It is clear from the decision of the First-tier Tribunal Judge that he found significance in the evidence given by Mr Jabarkhyl as to the reception that the appellant would obtain on return to Afghanistan. The photographs of the funeral could be of any funeral and the person identified by Mr Jabarkhyl as himself is completely unidentifiable as him or indeed anybody in particular. There is no supporting evidence provided to attest to the two deaths. Even bearing in mind the lower standard of proof applicable in asylum cases, I do not consider it has been shown to that standard that Mr Jabarkhyl's parents have died and that there is no-one to provide family support to the appellant on his return to Afghanistan and in particular to meet him at the airport at Kabul.

37. I bear my findings in this regard in mind and my assessment of the two issues in this case, that of the real risk of Article 15(c) breach for the appellant on return to his home area in Nangahar Province and the second

issue being, if I accept that there is such a risk, whether he can reasonably be expected to relocate to Kabul.

38. Though the focus in AS [2020] UKUT 00130 (IAC) was on Kabul as an internal relocation alternative, there is, as both representatives have addressed, evidence considered there which is relevant to other parts of the country and in particular for the purposes of this appeal Nangahar. Thus it is noted at paragraph 94 in AS that the total of casualties in Nangahar recorded in the SIGAR report is 0.81 per thousand and there were 1,517 casualties, only slightly less than the figure for Kabul which is twice as large as Nangahar. It was also noted from the UNAMA figures, extracted from the 2019 EASO guidance, that the casualty rate for Nangahar for 2018 was 111 per 100,000 inhabitants and in contrast to 38 per 100,000 inhabitants in Kabul.

39. Also quoted is the IOM Community-Based Needs Assessment of May to June 2018 recording that the proportion of the population affected by safety and security in the last three months in Nangahar was 15%, the second highest, and that the number of fatalities and injuries due to the conflict in the previous three months showed 1,579 in Nangahar as opposed to 604 in Kunduz and 151 in Kabul.

40. It would appear from the evidence addressed in AK [2012] UKUT 163 (IAC) that there has been a significant worsening in the security situation in Nangahar since that time. Nangarhar is referred to there simply as one of a number of provinces and there were significant low fluctuating levels of violence.

41. It is also relevant to note in the May 2020 CPIN: “Afghanistan: Security and Humanitarian Situation” that in comparison to 2017, in 2018 Kabul saw a 2% increase in civilian casualties, whereas there was a 111% increase in Nangarhar. The Islamic State in Khorasan Province (ISKP) was primarily active in the provinces of Kunar and Nangarhar. It was one of four provinces cited in the UN Secretary General’s Eighth Report of February 2019 as one of the areas of ISIL strongholds in Afghanistan. In the EASO country guidance for Afghanistan it is said that Nangarhar was the only area of the map marked as “mere presence would be considered sufficient in order to establish a real risk of serious harm under Article 15(c) QD”. It is also said in the EASO Country of Origin Information Report Afghanistan Security Situation, of September 2020, that UNAMA documented 1,070 civilian casualties in Nangarhar in 2019, and it was said that although this represented a decrease of 41% compared to 2018, the province ranked second only to Kabul in this regard. Whilst as regards the position between 1 January and 30 June 2020, Nangarhar ranked third with 281 casualties, Resolute Support recorded between 101 and 125 civilian casualties in Nangarhar in the first quarter of 2020 and in the second quarter it indicated Nangarhar as the province that experienced the highest number of civilian casualties countrywide with 259 civilian casualties recorded, this representing a 236% increase compared to the

previous quarter. Nangarhar was listed as one of the most active areas of conflict by the UN secretary general in September 2019 and March 2020 reports. In January 2020 it was reported that the Taliban had closed all health centres in a number of parts of Nangarhar, including Hesarak which is the appellant's home.

42. As against this Mr Tufan makes the point that there were significant numbers of returnees to Nangarhar although Mr Spurling countered this with the point that it is not known why these people returned and it may simply be that they could not settle elsewhere. I take the point, which is not without relevance, though in the absence of evidence as to why people returned it is not in my view a matter of significant weight.

43. The appellant if he returned to Nangarhar would therefore find a situation where there has been an increase in violence since 2019, on the basis of the figures set out above. I bear in mind the views, in particular of EASO as to the situation and Article 15 (c). The population of Nangarhar is as set out in the Special Inspector General for Afghanistan and Reconstruction (SIGAR) Reports is 1,864,582. The number of 1,070 civilian casualties documented for 2019 was a decrease of 41% compared to 2018. In 2020 it would appear that there were 281 casualties in the first six months of 2020. No doubt these are significant figures, but in my view the situation is not such, bearing in mind the proportion those figures bear to the overall population number the background evidence set out above and the general security situation, as to show real risk of an Article 15(c) breach. In my view the appellant would not face conditions amounting to an Article 15(c) breach on return to Nangarhar, and he would have the support of family members as I have set out above.

44. However it is necessary for me to consider what the position would be for the appellant in Kabul if I am wrong in the above findings.

45. In the guidance in AS it was said, at paragraph 230, that it is not generally unsafe or unreasonable for a single healthy man to internally relocate to Kabul. The Tribunal however emphasised that a case by case consideration of whether internal relocation is reasonable for a particular person is required by Article 8 of the Qualification Directive and domestic authorities, including Januzi and AH Sudan [2007] UKHL 49. The relevant factors to be considered include;

    (i) age, including the age at which a person left Afghanistan;

    (ii) nature and quality of connections to Kabul and/or Afghanistan;

    (iii) physical and mental health;

    (iv) language, education and vocation and skills.

46. As regards the first of these, the appellant was 14 when he left Afghanistan and is now 22. During his years up to departure he can reasonably be assumed to be a person who was fully immersed in Afghan culture, although inevitably that will have diminished to an extent since coming to the United Kingdom, though he has been living with his cousin and his family which again it is reasonable to assume will have maintained those cultural links.

47. As regards the nature and quality of his connections to Kabul and/or Afghanistan, it has not been suggested he has any links to Kabul. However he does have the family links as set out above in his home area, including the finding that he would be met on arrival in Kabul.

48. The third issue is that of his physical and mental health. There was before the judge and also before me a report from Dr Bargiela who is a chartered clinical psychologist who had prepared a report on 6 August 2018. Her assessment of the appellant's vulnerability was, not surprisingly, predicated upon instructions that the appellant's account was truthful and in particular that there were no support mechanisms available to him to overcome a hostile environment in Kabul. He expressly told her that he feared what might happen if the Taliban knew he was coming and that he would be accused of being a spy and thus putting his life at risk.

49. In the body of her report Dr Bargiela stated the appellant met the criteria for a diagnosis of major depressive disorder. As was observed by Deputy Upper Tribunal Judge Jordan, her assessment of the effect upon the appellant of his return to Afghanistan was predicated on his being separated from his cousin in the United Kingdom in the absence of family support networks in Afghanistan. As a consequence her summary at paragraphs 91 to 93 was based upon a misconception of his true circumstances. She was not asked whether his depression might have been related to another cause, for example the uncertainty of his immigration status, his expressed wish to remain in the United Kingdom, the failure of his previous attempts to remain in the United Kingdom, the length of the legal process in which he had been involved and that he had been found not to have told the truth.

50. There is now a report of Dr Sarah Whittaker-Howe dated 7 October 2020, who saw the appellant via video link on 11 August 2020.

51. I should say in passing that I attach no weight to the fact that her report records that the appellant was assisted by a Farsi interpreter. It is clear from the evidence that he does not speak Farsi, and there would have been clear issues of misunderstanding had the interpreter been a Farsi interpreter and accordingly I agree with Mr Spurling that this is probably best regarded as simply a typographical error.

52. Dr Whittaker-Howe diagnosed the appellant as suffering from PTSD that was "moderate in severity". She had noted that she differed slightly from

Dr Bargiela in the attribution of particular symptoms to particular diagnoses, observing however that it could be difficult to determine how symptoms fit together when there is a comorbid diagnosis of PTSD and depression. She also diagnosed a major depressive disorder that was "moderate in severity".

53. I see no reason not to accept the diagnosis of Dr Whittaker-Howe whose report is clearly careful, thorough and took into account the previous report of Dr Bargiela. She concluded that his depression was "largely caused by his asylum case" but also noted that many of his symptoms of PTSD and depression overlapped which both exacerbated and maintained each diagnosis. She considered that the separation of his family would be a significant and distressing loss which would result in his depression being more severe compared to now. A diagnosis of depression and PTSD would make it more difficult for him to obtain work and safe accommodation and form relationships, compared to someone without those diagnoses. PTSD would result in him overestimating the risk of situations and reduce his ability to cope with the risks of living in Afghanistan and his depression resulted in reduced energy and motivation which made it more difficult compared to others to function day-to-day. Her opinion overall was that he would need to be supported to find accommodation and seek employment.

54. As regards available facilities for a person suffering from mental health problems in Afghanistan, the Tribunal in AS set out in some detail evidence of Dr Ahmad, a lecturer in global health at St George's University in London. Mr Tufan made the point that the evidence shows that some 60% of people suffer from mental health problems in Afghanistan, against which Mr Spurling argued that hardly assisted the Secretary of State's case. It is however a factor not without relevance in assessment of the situation for the appellant as a whole since the evidence does not show a similar proportion of people simply being unable to cope in Kabul.

55. Bringing these matters together, I accept the medical evidence that has been provided on behalf of the appellant and this must be factored into his ability to relocate in Kabul. He has mental health problems but at the same time he has support in the form of family who would meet him in Kabul, which is of relevance to the findings of Dr Whittaker-Howe, and, though there is no evidence to show that there are other family members in Kabul, the existence of family to support him must in my view be a material factor.

56. As regards the final factor, that of language, education and vocation and skills, the appellant speaks Pashtu and has had some education in the United Kingdom. He has skills which could stand him in good stead.

57. Bringing all these matters together, I consider it is not unreasonable for the appellant to relocate in Kabul bearing in mind his personal situation

and the general situation there. As a consequence this appeal is dismissed.

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 22 January 2021

Upper Tribunal Judge Allen