



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

Appeal Number: AA/03055/2014

THE IMMIGRATION ACTS

**Heard at Field House
On 14 October 2014**

**Determination
Promulgated
On 27 October 2014**

**Before
DEPUTY JUDGE DRABU CBE**

**Between
KG
ANONYMITY DIRECTION IS MADE**

and

SECRETARY OF STATE FOR THE HOME DEPARTMENT

Appellant

Respondent

Representation:

For the Appellant: Ms A Radford of Counsel instructed by Simman Solicitors
For the Respondent: Mrs Alice Holmes, Senior Presenting Officer

DETERMINATION AND REASONS

1. The appellant is a minor and a citizen of Albania. He was born in May 1996. He was refused asylum and leave to remain on humanitarian basis by the respondent on 6 May 2014, having arrived in the United Kingdom on 28 February and having claimed asylum on 1 March 2012. He had been granted discretionary leave to remain until 25 November 2013. His application for further leave to remain was refused for reasons given by the respondent in her letter 6 May 2014. The appellant's claim is that he has a well founded fear of persecution in Albania on account of a blood feud and as part of a particular social group he is vulnerable as there is no sufficiency of protection for persons in his circumstances in Albania. His

appeal was heard on 13 June 2014 at Taylor House by Judge D P Herbert OBE a Judge of the First Tier Tribunal.

2. Judge D P Herbert dismissed the appeal and gave his reasons for the decision in his determination dated 13 June 2014.
3. The appellant sought and obtained permission to appeal to the Upper Tribunal.
4. In granting permission Judge Kelly, a First Tier tribunal Judge said, “ It is arguable that in the light of the Tribunal’s finding that the appellant’s core account lacked “plausibility [paragraph 66] it was incumbent upon the Tribunal to provide cogent reasons for rejecting the contrary view that had been put forward by a country expert in a report that he had prepared on behalf of the appellant. Simply to say that the expert’s opinion was based upon an “assumption” of plausibility [paragraph 77] is arguably to ignore his expertise in the assessment of plausibility by reference to the social and cultural norms of the appellant’s country of origin. The other grounds for disbelieving the appellant are also arguable.”
5. At the hearing before me Mrs Holmes did not argue against the appellant’s long grounds of appeal and in particular against the decision granting permission to appeal to the Upper Tribunal. Ms Radford asked that material error be found and that the matter be sent to the First Tier Tribunal for a fresh hearing on all issues. Mrs Holmes agreed with that and so did I.
6. This appeal is allowed to the limited extent that the decision of Judge D P Herbert is set aside and it is directed that the appeal is heard afresh at the First Tier by a Judge other than Judge D P Herbert,

K Drabu
Deputy Judge of the Upper Tribunal
23 October 2014

ANONYMITY DIRECTION

An order for anonymity is made due to the nature of the claim and the age of the appellant. This means that 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 to both to the Appellant and to the Respondent. Failure to comply with this direction could lead to contempt of Court proceedings.”

