



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

Appeal Number: PA/03593/2015

THE IMMIGRATION ACTS

**Heard at Field House
On 20th July 2016**

**Decision &
Promulgated
On 29th July 2016**

Reasons

Before

UPPER TRIBUNAL JUDGE MARTIN

Between

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Appellant

and

**MISS FATMIRA MUCA
(ANONYMITY DIRECTION NOT MADE)**

Respondent

Representation:

For the Appellant: Mr Paul Duffy (Home Office Presenting Officer)
For the Respondent: Ms I Mahmud (Counsel)

DECISION AND REASONS

1. This is an application to the Upper Tribunal by the Secretary of State in relation to a Decision of First-tier Tribunal Judge Majid who heard the case at Taylor House on 11th May 2016 and promulgated his Decision and

Reasons on 19th May 2016. It was an appeal by an Albanian Appellant born on 8th April 1989 against the refusal of a protection claim.

2. It appears, although it is not terribly clear from the Decision and Reasons, that the basis of her claim was principally fear of her father. However the judge, despite writing seventeen paragraphs, has made no reasoned findings whatsoever, has not engaged with the facts, has not engaged with the reasons for refusal and the only place where anything relevant is said is at paragraph 11 where he says that:-

“... in her witness statement of 11th May 2016 the Appellant has highlighted the attitude of the father and left him in no doubt that she had been asked to abort her child and she was not willing to do that. In this situation she should be granted asylum in the UK”.

3. There is a lot wrong with that paragraph. First of all there is no reasons as to why he finds her claims credible. Secondly if the person she fears is her father he does not explain how that engages the Refugee Convention. The determination cannot stand. It is woefully inadequate and I set it aside in its entirety.
4. Because it cannot be said this Appellant has had a fair and proper hearing before the First-tier Tribunal it is appropriate that it be remitted to that Tribunal for a full rehearing before a different judge.

Decision

5. The appeal by the Secretary of State to the Upper Tribunal is allowed
6. The appeal is remitted to the First-tier Tribunal at Taylor House for a full rehearing on all issues

No anonymity direction is made.

Signed

Date 29th July 2016

Upper Tribunal Judge Martin