



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

Appeal Numbers: PA/00774/2016
PA/00775/2016

THE IMMIGRATION ACTS

**Heard at Field House
On 4 July 2017**

**Decision & Reasons Promulgated
On 17 July 2017**

Before

**DR H H STOREY
JUDGE OF THE UPPER TRIBUNAL**

Between

**ANTIGONA [K] (FIRST APPELLANT)
A K (SECOND APPELLANT)
(ANONYMITY DIRECTION MADE IN RESPECT OF SECOND APPELLANT
ONLY)**

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Mr J Plowright, Counsel instructed by Malik & Malik
Solicitors

For the Respondent: Mr T Wilding, Home Office Presenting Officer

DECISION AND REASONS

1. The first appellant, a national of Albania, has permission to challenge the decision of First-tier Tribunal (FtT) Judge Greasley sent on 31 January 2017 dismissing her appeal on asylum, humanitarian protection and human rights grounds.

2. The first appellant's grounds have two main components. The first challenges the failure to consider the relevant Upper Tribunal country guidance case of **TD and AD (Trafficked women) CG [2016] UKUT 00092**. As Mr Plowright conceded this ground only has traction if it can be shown that the judge's finding of fact at paragraph 57 was unsound. At paragraph 57 the judge stated:-

"I do not accept that the appellant has effectively been driven away from family members. She has stated in documentary accounts, and her oral evidence, that initially she did not reveal the domestic violence issue to her family as she was concerned that they would be worried. The appellant has given a clear impression in her evidence that she had a close family relationship with her parents who, even on the appellants own account, appear to have made a marriage arrangements (sic) with a man who was already married and the father of a child."
3. The other main component of the ground comprises a series of challenges to the judge's credibility findings in paragraph 57 and elsewhere. Issue is taken first with the judge's assessment that the length of the first appellant's stay in Belgium [from March until August 2015] undermined her credibility. At paragraph 51 the judge stated:-

"Nor do I find it credible that the appellant would have remained with the family member in Belgium from March until August 2015, a period of six months, prior to leaving. The appellant claimed in oral evidence that it was after one or two months that she suspected that the relative might be communicating with her family in Albania, but it was not for approximately 4 or 5 months later that she decided to leave. I find these actions lacking credibility. They are not the actions of someone genuinely in need of international protection."
4. It is contended that the judge wrongfully failed to consider that the first appellant was a lone woman and heavily pregnant at the time. I consider this ground has no merit. The judge's assessment was that because the first appellant claimed she began to suspect after one or two months that the relatives she was staying with might be communicating with her family in Albania, it was not credible she should continue to stay with them for several more months. This ground amounts to a mere disagreement with the judge's finding of fact which was an entirely reasonable one for the judge to make.
5. Much the same can be said of the challenge to the judge's finding that the appellant's account of meeting Ms [X] "by coincidence" immediately upon arrival in London and then being supported by this woman. The judge did not believe this claim, noting that Ms [X] had failed to attend as a witness despite a previous adjournment so she could do so. The judge considered that as the two women bore the same surname it was likely they were related. Once again, I consider the grounds do no more than ventilate a disagreement with this finding. The fact that Ms [X] was born in nearby Kosovo does not undermine the judge's finding that they were related as the Albanian community in Kosovo has close ties with Albania. The judge considered Ms [X]'s explanation for being unable to attend and was fully entitled to find it unsatisfactory.

6. I take out of order the challenge listed as 'ground 5' in the grounds to the judge's finding that it was not credible that the first appellant had been able within a few days to fund her travel out of Albania by selling her jewellery and raised €2,000. In my judgment, it was entirely open to the judge to find it not credible she would have had access to such sum at short notice, given that she claimed to be uneducated and not employed. This ground is another that constitutes a mere disagreement with the judge's finding and reasons.
7. I turn to address the first appellant's ground 4 as this is the one in which she challenges the core finding made by the judge at paragraph 57 that she had not become estranged from her family and would have the support of her family on return to Albania. The ground alleges that this finding reflects a failure to attach weight to the COI indicating that the first appellant came from the North of Albania where very conservative and traditional norms and virtues still apply and forced marriages were common. Once again, I consider it was open to the judge, taking heed of the evidence as a whole to find that the first appellant continued to have a close relationship with her parents. Her statement that she had not told them about her husband's domestic abuse of her because they might worry did not indicate that they would react by saying they wanted nothing to do with her. The judge was addressed by both representatives regarding the relevance of COI documents in the bundles. This is no reason to consider the judge failed to understand the first appellant's claims regarding her family. The judge's assessment of this matter was clearly made in the context of the evidence as a whole and is not vitiated by legal error.
8. Given that the first appellant's challenge to the judge's findings of fact have not passed muster, it is unnecessary to address the first section of the first appellant's grounds which complained about the failure to apply Tribunal country guidance.

Notice of Decision

9. For the above reasons I conclude that the FtT judge did not materially err in law and his decision to dismiss the first appellant's appeal is upheld.

Direction Regarding Anonymity - Rule 14 of the Tribunal Procedure (Upper Tribunal) Rules 2008

Unless and until a Tribunal or court directs otherwise, the second appellant is granted anonymity. No report of these proceedings shall directly or indirectly identify this appellant. This direction applies both to the appellants and to the respondent. Failure to comply with this direction could lead to contempt of court proceedings.

Signed

Date: 7 July 2017

A handwritten signature in black ink that reads "H H Storey". The letters are cursive and connected, with a distinct loop at the end of the word "Storey".

Dr H H Storey
Judge of the Upper Tribunal