



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

Appeal Number: PA/03783/2016

**THE IMMIGRATION ACTS**

**Heard at Field House  
On 9 June 2017**

**Decision & Reasons Promulgated  
On 31 July 2017**

**Before**

**UPPER TRIBUNAL JUDGE CRAIG**

**Between**

**[D G]**

**~~(ANONYMITY DIRECTION NOT MADE)~~**

Appellant

**and**

**THE SECRETARY OF STATE FOR THE HOME DEPARTMENT**

Respondent

**Representation:**

For the Appellant: Mr J Collins, instructed by Marsh & Partners  
For the Respondent: Mr T Wilding, Home Office Presenting Officer

**DECISION AND REASONS**

1. The appellant in this case is a national of Albania who sought asylum because he asserted that he was the subject of an ongoing blood feud involving him and his father. This claim was refused by the respondent and the appellant appealed to the First-tier Tribunal.

2. His appeal was heard at Harmondsworth on 23 May 2016 by First-tier Tribunal Judge Telford but in a decision which is dated 8 August 2016 (although apparently not signed) but not promulgated until 20 January 2017 which is some eight months after the date of the hearing, Judge Telford dismissed his appeal. No explanation has been provided as to why a decision supposedly made in August 2016 was not promulgated until five months later. Before me on behalf of the respondent Mr Wilding very properly conceded that the decision was not sustainable for a number of reasons. As he put it, it was difficult to know where to start, whether it was the numerous spelling and typographical errors, the consideration of factors which actually were not part of the appeal (such as EEA Regulations or Sri Lankan documents) or because the judge did not deal with the actual issue, that is what the evidence was regarding the appellant's assertion that he was a potential victim of a blood feud, the decision simply did not adequately deal with this case.
3. In my judgement the criticisms which are contained within the grounds and also accepted by Mr Wilding are well-founded. The decision itself is only some three and a half pages long, so it is inexplicable why it should have taken so long to produce and it does not appear even to have been proof read because there are numerous uncorrected errors within it which even a cursory reading would have enabled the judge to correct. It also does not consider at all in substance the evidence given to support the appellant's case; the closest the judge comes to this is where he says there was "nothing to the claimed additional evidence [sic] and the background evidence does not support his conclusions [sic again]". After this statement (at paragraph 10) at paragraph 11 the judge states that he notes "a registration certificate for the sponsor for the status of EEA national", although he says that, "I have no date upon it". As there was no such certificate within this file and there was no suggestion that the appellant was entitled to the status of the EEA national it is hard to understand how this statement came to be made, unless the judge had in mind a wholly different case. The same can be said to his reference at paragraph 12 to finding "as odd a document headed in both English and another language which I assume to be Sri Lankan" apparently appearing in the file "together with the certification of translation from Colombo dated 6 April 2015". As there was no such document within the file and the appellant has absolutely no connection with Sri Lanka at all, again it is hard to understand how this statement came to be made unless the judge, some months after the hearing, was confusing this case with yet another appeal which may once have been before him.
4. Whatever the reasons it is clear that this appellant's appeal was not properly considered and it follows that the decision will have to be re-made by another judge at another hearing.
5. Both parties agree with me that as the appellant has not had a fair hearing, the appropriate course is to remit this appeal back for re-hearing in the First-tier Tribunal sitting at Hatton Cross, by any judge other than Judge Telford and I will so order.

**Notice of Decision**

**I set aside the decision of First-tier Tribunal Telford as containing a material error of law and remit the appeal for rehearing at Hatton Cross, before any judge other than Judge Telford.**

Signed:

A handwritten signature in black ink on a light blue background. The signature is written in a cursive style and reads "Ken Craig".

Upper Tribunal Judge Craig

Date: 25 July 2017