



**Upper Tribunal
(Immigration and Asylum Chamber)
PA/02598/2017**

Appeal Number:

THE IMMIGRATION ACTS

**Heard at Field House
Reasons Promulgated
On 5th February 2018
2018**

**Decision &
On 9th April**

Before

DEPUTY UPPER TRIBUNAL JUDGE FARRELLY

Between

**MR EX
(ANONYMITY DIRECTION MADE)**

Appellan
t

And

SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Mr T D Hodson Counsel, instructed by Elder Rahimi Solicitors (London)

For the respondent: Mr T Melvin, Home Office Presenting Officer.

DETERMINATION AND REASONS

Introduction

1. The appellant is a national of Albania born in June 1999. In December 2015 he claimed protection. At that stage he was 16 years of age. In February 2016 he was screened under the protocol for children. He said he lived with his parents and 12-year-old brother. He left school in November 2015. He admitted attempting to enter the United Kingdom at Heathrow airport in 2013 along with his father pretending to be Italian. The deception was discovered and they were returned. On 27 November 2015 using an agent he flew from Albania to Italy, again

with his father. After spending a week or so there he alone entered the United Kingdom hidden in a lorry in December 2015.

2. In a statement he said his father was an active member of the Albanian Democratic Party. In the 2013 elections his father was responsible for monitoring ballot boxes. The rival Socialist Party promised him favours if he spoilt votes cast for the Democratic Party which he did. The Socialist party won the election but did not give his father all they had promised. His father then decided to go to the United Kingdom to look for work and brought the appellant with him. Hence the visit as Italians.
3. Despite his treachery he claimed the Democratic Party offered to help him if he supported them again. Further to this, in December 2015 he encouraged people to demonstrate against the Socialist Party. The appellant said his father was then threatened by the Secret Service who said they would harm the appellant. It was decided the appellant should leave the country. He repeated this account in his substantive interview of May 2016.
4. In support of his claim he submitted a document said to be from the Democratic Party of Albania confirming that the appellant and his mother were members of the party and that his father had been an observer at the election centre for the 2015 local elections. He also produce a statement from his father saying he had been engaged with the Democratic Party for many years but in 2013 changed to the Socialist Party who promised him favours when they won the election. The favours did not come to pass. He then refers to coming to the United Kingdom with his father pretending to be Italians when they were caught out and returned. He states in the 2015 elections his father began to work for the Democratic Party in the hope of reward. He states however he was threatened by a number of men. There is also a letter from the appellant's mother stating she had supported her husband in his political activities. In 2015 he had been threatened and they decided to send the appellant away for his safety.
5. The respondent refused the claim in February 2017. Based on the appellant's account and the documents provided it was accepted his father was a member of the Democratic Party. However it was not accept that the appellant faced any problems because of this. The appellant had not been consistent as to who had threatened his father.
6. The appellant had produced what purported to be a membership card for the Socialist Party dated 2012 in respect of his mother and father. This was at odds with the chronology given for his father's political allegiances. This was not consistent with the claim he was a member of the Democratic Party until he left in 2013. He was also inconsistent as to whether his mother had any interest in politics.

The First tier Tribunal

7. His appeal was heard by First tier Judge Anstis at Hatton Cross in April 2017. A statement had been prepared for the appeal in which the appellant changed the original account he had given. He stated that rather than being in the Democratic Party up until the 2013 elections as originally said he in fact had been involved with the Socialist party. Then, just before the elections, he switched to the Democratic Party. He sought to explain this on the basis he did not know anything about politics and was mixed up. This account was not reflected in his father's statement. He sought to explain this by saying his father felt it was best to carry on with the original version.
8. At paragraph 23 the judge records a letter from the appellant's father saying he joined the Socialist Party in 2012 and then left after the 2013 elections when he joined the Democratic Party. Paragraph 25 of the decision refers to the certificate and membership cards as prompting him to change his account. In submissions, the appellant's representative contended that he had become muddled and his father, rather than correcting matters sought to go along with the error.
9. At paragraph 36 the judge refers to the changed account. The judge refers to the original account in the statement provided by the appellant. This was of his father being involved with the Democratic Party; then working for the Socialist Party in the 2013 elections and later on changing allegiance, yet again, back to the Democratic Party. However, this chronology was undermined by the membership card produced stating his parents were members of the Socialist Party in early 2012. At paragraph 38 the judge records the appellant's attempt to explain this. At paragraph 39 the judge found it hard to accept the appellant would not have a basic knowledge of which political party his father supported.
10. The decision records at paragraph 27 that the judge asked the appellant was specifically about what he knew of the threats. The judge records the appellant said his father told him the Secret Service had made the threats. At para 40 on the judge refers to the appellant's father continuing with his political activities after the appellant left Albania. The judge made the point that no action was taken against him. The judge referred to the odd situation described, whereby the security services, instead of threatening the appellant's father said they would harm him.
11. The judge at paragraph 42 refers to matters in the round. His father's willingness to engage in deception here was highlighted. The judge then refers to the different accounts of shifting political allegiance. His father and the rest of his family meantime were unharmed. The judge refers to allowing for the appellant's age and the low standard of proof. Ultimately, the judge did not believe the appellant.

The Upper Tribunal

12. The grounds contended the judge misunderstood the nature of the threat. It is suggested that from the letter provided by the appellant's father indicated the source of the threat was one or other political party. The father did not say the threats came from the Secret Service but only that the people making the threat said that. The second ground refers to a letter provided on behalf of the appellant said to be from the local police station recording his father's complaint.
13. The rule 24 response opposes the appeal and states the judge considered all of the evidence and had not misunderstood the case being made.
14. The oral argument followed the lines on which permission to appeal had been sought and the rule 24 response.

Conclusions

15. I find that the judge has carefully analysed the issues. Essentially, the appellant has been clearly caught in a lie. He gives an initial account about his father supporting the Democratic Party and then for his own gain abusing his position in the 2013 elections to advance the Socialist Party. When they failed to reward him he later switched allegiance back to his original party who welcomed him back. This account was repeated in a statement. Clearly, he had time to reflect upon the account given. His father repeats that account. The lie unravels when he outsmarts himself by submitting documents in support of the claim. One document state his father was in the Socialist Party in 2012. There is then a convoluted attempt to explain this by an account of more changes of allegiance. I find the lie is quite clear and there is no confusion on the part of the judge.
16. The argument about whether the threat emanated from the security services or was a hearsay account has no merit. The underlying claim is untrue. Reporting such an incident does not make it any the more true.
17. The judge has carefully considered all of the issues and has generously sought to look at matters in the round. The judge has considered the appellant's age. The judge considered the accepted deception by his father in coming to the United Kingdom with the appellant and pretending to be an Italian. The judge makes the very legitimate point that on the account his father has continued his political activities and yet is unharmed. There was inconsistency about whether the appellant's mother was involved in politics. The appellant at interview suggested that his father would blow with the wind and could not be relied upon. He is proven to continue in this vein by providing a letter supporting one account which he now says was incorrect only to change it later. The judge has given cogent reasons for rejecting the claim and I find no material error of law established.

Decision

No material error of law has been demonstrated in the decision of First tier Judge Anstis. Consequently, that decision dismissing the appeal shall stand

Francis J Farrelly
Deputy Upper Tribunal Judge
April 2018

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