



IAC-AH-LEM-V1

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

Appeal Number: AA/08237/2015

**THE IMMIGRATION ACTS**

**Heard at Field House**

**On 19 April 2016**

**Decision & Reasons  
Promulgated  
On 4<sup>th</sup> May 2016**

**Before**

**DEPUTY UPPER TRIBUNAL JUDGE HANBURY**

**Between**

**(X M)**

**~~{ANONYMITY DIRECTION NOT MADE}~~**

Appellant

**and**

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

Respondent

**Representation:**

For the Appellant: Mr Harding of Counsel

For the Respondent: Mr D Clarke a Home Office Presenting Officer

**DECISION AND REASONS**

**Introduction**

1. The appellant appeals against the decision of Judge of the First-tier Tribunal Farmer to dismiss her appeal against the respondent's decision to refuse her appeal on asylum and human rights grounds and also to dismiss her appeal against the respondent's refusal to grant her international humanitarian protection.

2. The appellant was granted permission to appeal the decision of the First-tier Tribunal (FTT) by Upper Tribunal Judge Eshun because the Upper Tribunal Judge considered that the Immigration Judge may have reached inconsistent findings and failed to give proper weight to the appellant's claim that she had been persecuted/ill-treated.
3. The appeal came before me on 21 March 2016 when the grounds were fully argued by Mr Collins. I concluded at the end of the hearing that there appeared to be a material error of law in relation to the matters identified by Judge Eshun. I directed a further hearing at which the matter would receive further consideration by the Upper Tribunal. However, I observed in the final sentence of that decision that there was, apparently, a clear finding in paragraph 39 of the Immigration Judge's decision that there was a safe place in Albania to which the appellant could relocate. I noted that that "internal flight" alternative finding had not been impugned in the grounds of appeal. And I saw no reason why the decision should not, therefore, be allowed to stand.
4. Nevertheless, I directed a further hearing at which new witness statements and updated medical evidence was to be obtained.

### **The Hearing**

5. Mr Harding did not seek to persuade the Tribunal that the decision to preserve the internal flight finding was wrong and stated that he had "no further representations" to make on behalf of his client.
6. Clearly, the respondent did not take issue with Mr Harding's representation that his client's appeal, as a consequence of the internal flight finding, was correctly dismissed by the FTT.
7. In the light of these concessions the decision of the FTT stands.

### **DECISION**

Having reconsidered the matter following a further hearing at which both parties were represented I have concluded that there was no material error of law in the decision of the FTT in the light of its internal flight finding.

Accordingly, this appeal is dismissed and the decision to refuse the appellant asylum/human rights protection/humanitarian protection in the UK stands.

No anonymity direction is made.

Signed

Date

Deputy Upper Tribunal Judge Hanbury

**TO THE RESPONDENT**  
**FEE AWARD**

As I have dismissed the appeal there can be no fee award.

Signed

Date

Deputy Upper Tribunal Judge Hanbury