



**Upper Tribunal  
(Immigration and Asylum Chamber)  
PA/12598/2016**

**Appeal Number:**

**THE IMMIGRATION ACTS**

**Heard at Field House**

**Decision & Reasons  
Promulgated**

**Oral decision given following hearing  
On 26 September 2017**

**On 4 October 2017**

**Before**

**UPPER TRIBUNAL JUDGE CRAIG**

**Between**

**LK  
(ANONYMITY DIRECTION MADE)**

Appellant

**and**

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

Respondent

**Representation:**

For the Appellant: Ms K Reid, Counsel instructed by Marsh & Partners  
Solicitors

For the Respondent: Mr I Jarvis, Senior Home Office Presenting Officer

**DECISION AND REASONS**

1. The appellant is a citizen of Albania who was born in February 2001, and is accordingly still only 16 years old. He travelled through various countries before eventually arriving in the UK on 18 April 2016. He claimed asylum on 18 May 2018 when attending the Asylum Intake Unit.
2. His asylum claim is founded on his fear that on return he would face persecution/mistreatment by reason of a blood feud which his family was

involved with, with another family. His family were the social group relied upon for the purposes of his asylum claim.

3. The appellant's asylum claim was refused, although he was granted discretionary leave as a minor, until he came of age.
4. The appellant appealed against this decision but his appeal was dismissed by First-tier Tribunal Judge Sweet, in a decision and reasons promulgated on 14 June 2017 following a hearing at Taylor House one week earlier, on 7 June. (Judge Sweet's decision records the Hearing as having been at Hatton Cross, but that was a mistake.) The appellant now appeals with leave granted by First-tier Tribunal Judge Lambert on 10 July 2017.
5. Before this Tribunal, on behalf of the respondent, Mr Jarvis stated as follows:

"I accept that the judge has materially erred, partly for the reasons given within the grounds, but also it seems to me that a more obvious point is that the judge has not seemingly taken into account the peace and reconciliation letter of 27 October 2016, which, whether or not it is reliable, does assert that there have been threats and attacks.

My view is that the failure to make any findings in respect of that materially relevant document does amount to a material error of law, with the effect that if this Tribunal agrees, the respondent would accept that the adverse credibility findings made by Judge Sweet will have to be set aside, and the case would have to be re-decided in its entirety."

6. Having considered the file carefully, I agree that the failure to have regard to this letter, and in particular to make any findings with regard to it, was indeed a material error of law, the consequence of which is that the adverse credibility findings have to be set aside and the case will have to be re-decided.
7. Both parties were agreed that in these circumstances the appropriate course was for this appeal to be remitted back to the First-tier Tribunal sitting at Hatton Cross, for a fresh hearing, with no findings reserved, and I will so order.


### **Notice of Decision**

**The decision of First-tier Tribunal Judge Sweet, in which he had dismissed the appellant's appeal, is set aside and no findings are retained. The appeal will be remitted for re-hearing to the First-tier Tribunal, sitting at Taylor House, to be re-heard by any judge other than Judge Sweet.**

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

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

Signed:

A handwritten signature in black ink that reads "Ken Craig". The signature is written in a cursive style with a long, vertical tail on the letter 'g'.

Upper Tribunal Judge Craig  
2017

Date: 29 September