



**Upper Tribunal
(Immigration and Asylum Chamber)
PA/02289/2017**

Appeal Number:

THE IMMIGRATION ACTS

Heard at Field House

On 5 April 2017

**Decision &
Promulgated
On 16 April 2018**

Reasons

Before

DEPUTY UPPER TRIBUNAL JUDGE LATTER

Between

FG

(ANONYMITY DIRECTION MADE)

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Ms S Saifolatti, counsel.

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

DECISION AND REASONS

An order has been made under Rule 14(1) of the Tribunal Procedure (Upper Tribunal) Rules 2008 prohibiting the disclosure or publication of any matter likely to lead to the appellant being identified. Failure to comply with this order could lead to a contempt of court.

1. This is an appeal by the appellant against a decision of the First-tier Tribunal dismissing his appeal against the respondent's decision of 14 February 2017 refusing him further to remain on either protection or human rights grounds.

Background

2. The appellant is a citizen of Albania born [] 1997. He claims to have arrived in the UK on 31 July 2014 and he claimed asylum on 12 August 2014. His application was refused but in the light of his age he was granted leave to remain until 25 March 2015. On 24 March 2015 applied for further leave to remain but this was refused and is the subject of this appeal.
3. He claimed that he would be at risk of serious harm on return to Albania because of a blood feud between his family and another family. The feud started following a car accident in December 2004 involving the appellant's uncle and a member of the other family. When the appellant turned 16 his family received calls saying that he would now be included in the blood feud. He left Albania in June 2014 because his family were worried about his safety.
4. The respondent was satisfied that the appellant's identity and nationality were as claimed but not that he was involved in active blood feud. In the alternative, it was the respondent's view that the appellant could seek protection from the Albanian authorities or relocate in an area away from his home area.

The Hearing before the First-Tier Tribunal

5. Having considered the evidence both oral and documentary, the judge was not satisfied that the appellant had shown that he was at any real risk of harm of return, having failed to demonstrate that he was involved in a blood feud. The judge referred to the decision in EH (blood feuds) Albania CG [2012] UKUT 348 and to the guidance that, in order to succeed in such a claim, there should be some individual evidence of the existence of the feud. He found that there was none. The judge also took into account a document obtained from the British Embassy in Tirana and produced on the day of the hearing, which showed that no feud between the families said to be involved was recorded as existing. Accordingly, the appeal was dismissed.

The Error of Law

6. In the grounds of appeal, it is argued firstly, that the judge erred in law by treating the guidance in EH as identifying a requirement for corroboration of the appellant's own account and secondly, that his acceptance of the contents of the Embassy letter failed to take into account submissions made on behalf of the appellant that the letter could not be relied on to exclude the likelihood of a blood feud.
7. At the hearing before me, Mr Jarvis indicated that it was his view that there was merit in both those grounds. In particular in [22], it appeared that the judge was discounting the evidence of the appellant on the basis that there was no corroborative evidence and further, when considering what weight to give to the letter from the Embassy, there was no

indication that the judge had considered the submissions made on that issue identified in the grounds.

8. I agree that Mr Jarvis' concession is rightly made and that the judge erred in law as argued in the grounds. Both representatives submitted, and again I agree, that the proper course is for the appeal to be remitted to the First-tier Tribunal for a full rehearing.

Decision

9. The First-tier Tribunal erred in law and the decision set aside. The appeal is remitted for further consideration by the First-tier Tribunal by way of a full hearing before a different judge.
10. In the light of the issues raised in this asylum appeal, I am satisfied that this is a proper case for an order to be made under rule 14(1) of the Tribunal Procedure (Upper Tribunal) Rules 2008 and I make an order prohibiting the disclosure or publication of any matter likely to lead to the appellant being identified.

Signed: H J E Latter
April 2018

Dated: 10

Deputy Upper Tribunal Judge Latter