



**IN THE UPPER TRIBUNAL**  
**IMMIGRATION AND ASYLUM CHAMBER**

**Case No: UI-2021-001927**  
**FtT No: PA/50861/2020**  
**IA-00383-2020**

**THE IMMIGRATION ACTS**

**Decision & Reasons Issued:**  
**On the 17 July 2023**

**Before**

**UPPER TRIBUNAL JUDGE LANE**  
**DEPUTY UPPER TRIBUNAL JUDGE HUTCHINSON**

**Between**

**EB**

**(ANONYMITY ORDER MADE)**

**and**

**Secretary of State for the Home Department**

Appellant

Respondent

**Representation:**

For the Appellant: Ms Sardar  
For the Respondent: Mr Clarke, Senior Presenting Officer

**Heard at Field House on 21 June 2023**

**Order Regarding Anonymity**

**Pursuant to rule 14 of the Tribunal Procedure (Upper Tribunal) Rules 2008,  
the appellant is granted anonymity.**

**No-one shall publish or reveal any information, including the name or  
address of the appellant, likely to lead members of the public to identify the  
appellant. Failure to comply with this order could amount to a contempt of  
court.**

**DECISION AND REASONS**

1. The appellant is a male citizen of Albania who was born in 2001. The appellant appealed to the First-tier Tribunal against a decision of the Secretary of State dated 17 July 2020 refusing his claim for international protection. The First-tier Tribunal, in a decision dated 16 September 2021, allowed the appeal on human rights grounds but dismissed it on asylum grounds. The appellant now appeals to the Upper Tribunal against the decision to dismiss the appeal on asylum grounds.

2. At the outset of the initial hearing in the Upper Tribunal, Mr Clarke, for the Secretary of State, told us that the appeal was no longer opposed. The Secretary of State agrees that parts of the First-tier Tribunal decision are inconsistent and incoherent. Mr Clarke submitted that the judge's finding at [74] ('I accept that the Appellant is unable to function as an independent adult in the UK even at his current age and remains under the care of social services.') was not consistent with his finding at [53]:

I am not satisfied that the Appellant is at risk on return from his father. He is now an adult and nearly twenty years old. It is not likely that his father could compel the Appellant to live with him or work for him. I note that when I asked to be addressed on the issue of risk on return counsel did not address risk from his family and it is not identified as a key issue in the skeleton argument. It is addressed at paragraph 37 of the skeleton but no account is taken of the fundamental difference between the Appellant's position as a young adult man and that of a woman going back having been trafficked and transgressed social conventions and Kanun law.

3. We agree with Mr Clarke. The appellant will have been unable to understand from the decision why his appeal should have been dismissed on asylum grounds but allowed on human rights grounds.
4. Ms Sardar, for the appellant, submitted that the judge's findings at [31] and [45] that the appellant had given a credible account of past events should be preserved. Mr Clarke agreed with that submission as do we.
5. The decision of the First-tier Tribunal is set aside. The findings of fact at [31] and 45] are preserved. The appeal is returned to the First-tier Tribunal for that Tribunal to remake the decision following a hearing *de novo*.

### **Notice of Decision**

The decision of the First-tier Tribunal is set aside. The findings of fact at [31] and 45] are preserved. The appeal is returned to the First-tier Tribunal for that Tribunal to remake the decision following a hearing *de novo*.

### **Directions:**

1. Both parties may rely upon new evidence not previously adduced before the First-tier Tribunal provided copies of any documentary evidence are filed at the Tribunal and served on the other party no less than 10 days prior to the final hearing in the First-tier Tribunal.

**Lane**

**C. N.**

Judge of the Upper Tribunal  
Immigration and Asylum Chamber

**Dated: 21 June 2023**