



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

Appeal Number: UI-2023-001027
First-tier Tribunal: RP/50004/2022 & LR/00066/2022

THE IMMIGRATION ACTS

**Heard at Field House
On 18 July 2023**

**Decision & Reasons Issued
On 4 August 2023**

Before

**UPPER TRIBUNAL JUDGE KAMARA
DEPUTY UPPER TRIBUNAL JUDGE J F W PHILLIPS**

Between

SECRETARY OF STATE FOR THE HOME DEPARTMENT

Appellant

and

SHOTE ASLLANI

Respondent

Representation:

For the Appellant: Mr E Terrell, Senior Home Office Presenting Officer
For the Respondent: Mr P Georget, Counsel instructed by Malik and Malik Solicitors

DECISION AND REASONS

Introduction

1. This is an appeal by the Secretary of State against the decision of the First-tier Tribunal (Judge Rodger) in which the Judge allowed the appeal of the Appellant (as she then was), a citizen of Albania, against the Secretary of State's decisions to cease refugee status and to refuse asylum and leave to remain on human rights ground. Although the Secretary of State is the

appellant in this appeal we shall refer to the parties in this decision as they were referred to by the First-tier Tribunal.

2. The sole ground of appeal is that the First-tier Tribunal Judge erred in law by failing to give reasons or adequate reasons for findings on material matters. Permission to appeal was refused by the First-tier Tribunal but was granted by Upper Tribunal Judge Macleman on 15 June 2023 on the basis that the grounds (summarised by Judge Macleman as “the tribunal overlooked the explanation for evidence being extracted into a letter from the British Embassy in Tirana”) qualify for debate.
3. At the hearing before us Mr Terrell applied to amend the grounds to include a failure to give adequate reasons in respect of the Judge’s treatment of the background evidence of the prevalence of blood feuds and a potential deception by the Appellant as to her contact with her husband. Mr Georget made no substantial objection to the application and in the interests of ensuring that all potential errors were considered we allowed the application.

Submissions

4. For the Secretary of State Mr Terrell referred to the application to amend the grounds of appeal. He said that in relation to blood feuds the judge had preferred the figures put forward by NGOs when the CPIN showed that the government figures were more accurate. This was a failure to take account of material evidence. The letter from the Embassy gives information about the sources of the evidence taken into account and although the Judge says that no screenshot of Total Management Information Systems (TIMS) was provided the fact that the United Kingdom government has friendly diplomatic relations with the Albanian government should mean that the information supplied to the Embassy can be relied upon. So far as contact with her husband was concerned the Appellant said she had no contact whereas his application shows he entered the United Kingdom on the same day as her. The Judge makes no decision on whether the Appellant intended to deceive in this respect. If the decision maker had known that the husband arrived on the same day the decision may have been different.
5. For the Appellant Mr Georget pointed to paragraph 339AB of the Immigration Rules and said that any misrepresentation needed to be decisive to the grant of refugee status. The letter from the Embassy only refers to the “relevant law enforcement agencies” with no specificity. It is not simply the lack of a screenshot. The source is unclear. How could the relevant law enforcement agencies say there was no blood feud? If this was reliable the best that could be said would be no information or record of any blood feud. So far as the prevalence of blood feuds is concerned the decision makes it clear that the Judge has considered both the CPIN and the NGO figures.

Discussion

6. The Appellant is a 51-year-old citizen of Albania who arrived in the United Kingdom in 2014 and claimed asylum. Her asylum claim was granted by the Secretary of State on 22 January 2015 with leave to remain for 5 years. Her application to extend that leave to indefinite leave to remain was refused, refugee protection was ceased and her renewed protection and human rights claims refused and these are the decisions that came before Judge Rodger on appeal and were allowed. The Appellant's husband and daughter are dependent upon her appeal.
7. The Secretary of State's appeal against the decision of the First-tier Tribunal is based on inadequacy of reasoning but relies on three particular matters. We will deal with each in turn.
8. Firstly it is said that the Judge fails to engage fully with a letter from the British Embassy in Tirana or fails to fully understand its content. This is a letter dated 15 September 2020 which, referring to a Memorandum of Understanding (MOU) between the Albanian Ministry of the Interior and the Secretary of State, states that neither the Appellant nor her family members "are confined or threatened due to blood feud or revenge". The letter states that details of the "subject" have been extracted from TIMS but, and in accordance with the MOU, a screenshot cannot be provided as this is classified as restricted.
9. The First-tier Tribunal refers to this letter at paragraphs 21-27 of the decision. In our judgment the Judge makes a very detailed assessment of the letter and the logic of that assessment is faultless. The Judge notes that the personal information and bio data comes from TIMS and that there is no screenshot but that the purported verification that the neither the Appellant nor her family members are confined or threatened due to blood feud or revenge comes from unspecified law enforcement agencies with no evidence of how the evidence was collated or the date it relates to. In our judgement it was entirely appropriate in these circumstances for the Judge to conclude that the letter could not be relied upon particularly when it is noted, as the Judge does, that it was always the Appellant's case (see paragraph 25) that she had approached the police but that they were not prepared to give any support.
10. The second and third issues fall away with the first. Whether or not the letter was before Judge Thanki when the appeal of the Appellant's son was allowed by reference to same blood feud is irrelevant when the reliability of the letter in so far as it relates to the blood feud is not accepted. Equally whether the prevalence of blood feuds should be considered by reference to the Albanian government figures or NGO figures is also irrelevant when the letter seeking to cast doubt on the existence of the previously

accepted blood feud is not reliable. The detailed examination and consideration of the evidence by the Judge does not reveal any inadequacy of reasoning, to the contrary the reasoning is detailed and clear.

11. The final issue taken from the amended grounds of appeal is that Judge has not considered fully or made a finding upon whether the Appellant intended to deceive the Secretary of State in relation to her contact with her husband. The amended grounds suggest that although the Judge dealt with this at paragraph 28 of the decision the Judge does not consider whether the Appellant actually intended to deceive the Secretary of State and that if it had been known that the father travelled to the United Kingdom with the family the conclusion to grant asylum may have been different.
12. We have carefully considered the Judge's examination of this issue and having done so there is nothing in our judgment that could amount to an error of law. The Judge notes the discrepancy between what the Appellant said at interview about her contact with her husband and the husband's family reunion application. This makes it clear that the Judge has taken the evidence into account. The Judge goes on to make the finding that the grant of asylum was not made based on the Appellant's evidence of when she last saw her husband and gives reasons for this finding. There is in our judgement an adequacy of reasoning and the reasoning cannot be said to be irrational. It had already been accepted on appeal (in the case of the Appellant's son) that a family blood feud existed and that all male relatives had left Albania. The grant of status to the Appellant was made on the basis of that feud. In terms of misrepresentation paragraph 339AB of the Immigration Rules is clear

This paragraph applies where the Secretary of State is satisfied that the person's misrepresentation or omission of facts, including the use of false documents, were decisive for the grant of refugee status and the person does not otherwise qualify for refugee status under paragraph 334.

The finding of the First-tier Tribunal was that the Appellant's lack of contact with her husband was not decisive for the grant of refugee status and in our judgment the Judge's reasoning in this respect is both adequate and rational.

Conclusion

13. The decision of the First-tier Tribunal did not involve the making of a material error of law.
14. The appeal of the Secretary of State is dismissed.

Signed:



Date: 27 July 2023

J F W Phillips
Deputy Judge of the Upper Tribunal