



IN THE UPPER TRIBUNAL
IMMIGRATION AND ASYLUM CHAMBER

Case No: UI-2024-000292

First-tier Tribunal No: PA/54672/2022
LP/01345/2023

THE IMMIGRATION ACTS

**Decision & Reasons Issued:
On 9 September 2024**

Before

DEPUTY UPPER TRIBUNAL JUDGE SKINNER

Between

**RK
(ANONYMITY ORDER MADE)**

Appellant

and

SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Mr M. Karnik, Counsel, instructed by Turpin Miller LLP
For the Respondent: Ms C. Newton, Senior Home Office Presenting Officer

Heard at Field House on 28 August 2024

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 citizen of Albania who claims to be at risk there by virtue of a blood feud. He claimed asylum on 24 August 2017, but, over five years later, on 14 October 2022, the Respondent refused that claim. He appealed to the First-tier Tribunal, but, by decision dated 9 November 2003, that Tribunal also rejected his claim in a decision. He now appeals to the Upper Tribunal with permission granted by the FTT dated 29 January 2024.

2. The FTT's decision was, in summary, that the Appellant had not proved the existence of the blood feud and that he was therefore at risk. The FTT's reasons for this conclusion included (i) the lack of any apparent police investigation in relation to the murder by the Appellant's father which is said began the feud; and (ii) the fact that the Appellant continued in school for a time without suffering any ill treatment.
3. The Appellant advances three grounds of appeal against the decision of the FTT. First, he says that the findings in relation to the police are speculative and not based upon any evidence but rather how the Judge believed a police force should act. It also failed to take account of relevant expert evidence on the matter. Second, as to the reasoning based on the Appellant's continued attendance at school, this left out of account relevant expert evidence on the age at which a child may become involved in a blood feud. Third, the Appellant argues that the Judge has conflated the Appellant's lack of knowledge of police involvement with there being no such involvement.
4. Permission to appeal was purported to be given on grounds 1 and 2 only, but it would appear that this was because it was thought that ground 3 formed part of ground 1 and could therefore be argued as part of that ground. No direction has however been given limiting the grounds that can be argued and so all of the grounds in the notice of appeal form those which are before the Tribunal: see *EH (PTA: limited grounds; Cart JR) Bangladesh* [2021] UKUT 0117 (IAC).
5. At the start of the hearing before me, which was conducted via CVP without difficulty, Ms Newton, who appeared on behalf of the Respondent, helpfully explained that the Secretary of State accepted that there was an error of law in the determination, in particular that various aspects of the expert report had not been taken into account. She accepted that the issues to which the expert evidence was relevant formed part of the FTT's assessment of the credibility of the Appellant's account and that as such the decision of the FTT should be set aside in full and remitted to the FTT for rehearing *de novo*. Mr Karnik agreed with that approach.
6. The Respondent's concession seems to me to be well made and I accordingly adopt the approach proposed by Ms Newton.

Notice of Decision

The decision of the First-tier Tribunal involves the making of an error of law. I set aside the decision and remit the appeal to the First-tier Tribunal to be redetermined *de novo*.

Paul Skinner

Deputy Judge of the Upper Tribunal
Immigration and Asylum Chamber

28 August 2024