

**THE HIGH COURT
JUDICIAL REVIEW**

Record No. 2019 / 731 / JR

**IN THE MATTER OF SECTION 5 OF THE ILLEGAL IMMIGRANTS (TRAFFICKING) ACT
2000 (AS AMENDED), AND IN THE MATTER OF THE INTERNATIONAL PROTECTION ACT
2015**

BETWEEN/

RK

APPLICANT

AND

THE INTERNATIONAL PROTECTION APPEALS TRIBUNAL

THE MINISTER FOR JUSTICE AND EQUALITY

ATTORNEY-GENERAL

IRELAND

RESPONDENTS

JUDGMENT of Ms Justice Tara Burns delivered on the 20 day of October, 2020

General

1. The Applicant is an Albanian national from the Shkoder region. He arrived in Ireland on 29 May 2018 and thereupon applied to the International Protection Office for protection and permission to remain. He was interviewed pursuant to s. 13(2) of the International Protection Act 2015 (hereinafter referred to as "the 2015 Act") on 14 June 2018. Having completed the Application for International Protection Questionnaire, he was interviewed pursuant to s. 35 of the 2015 Act on 5 December 2018. By letter dated 17 December 2018, written submissions were made on his behalf by his solicitors to the International Protection Office. Documents were included with this submission which I will return to later.
2. By letter dated 9 January 2019, the Applicant was informed that an International Protection Officer had recommended refusing him refugee and subsidiary protection status. On 15 January 2019, the Applicant appealed against this recommendation.
3. An oral hearing of the appeal was held before the Respondent on 9 May 2019. The Respondent determined that the Applicant was not entitled to refugee or subsidiary protection and affirmed the recommendation made by the IPO.
4. Leave to seek Judicial Review by way of an order of certiorari quashing the decision of the Respondent was granted by Humphreys J on 21st October 2019.

The Claim for Protection

5. The Applicant was born on 3 June 1993. He asserts that in 2000, his father murdered a man (PM) with whom he had a land dispute. He claims that because of Kanun traditional law, this resulted in a blood feud which meant that the murdered man's family would seek revenge by killing a member of his father's family. He asserts that after the murder, his mother immediately moved to her brother's house who informed her of this threat within days of the murder. She thereupon moved himself, his brother and his sister to Kosovo where the family have resided ever since. The Applicant alleged that a couple of months after the family's arrival in Kosovo, his mother began to receive threats by telephone

from the murdered man's family threatening to kill the Applicant and his brother. These continued until a year before his departure from Kosovo. He claimed that in Kosovo, he remained closeted: he stayed indoors and did not go to school because of the threat he was under. He returned to Albania only once in 2011 for the purpose of obtaining a passport. When his father was released from prison in 2012, he came to live with the family in Kosovo. Because of these threats, his brother came to Ireland in 2015 and sought refugee status. The Applicant was encouraged by his parents to come Ireland to avoid the asserted threat.

6. In support of his application, he submitted documents to the IPO after his interview on 5 December 2018. These documents were described in his solicitor's letter as:-
 - "1. Vertetim – This is a document from a Peace Organisation – where they try and broker a peace agreement between the parties in the dispute.
 2. Vertetim – This is a Police Document which states that because his father murdered someone that on his release from prison he was forced to leave Albania.
 3. RK's birth certificate".

Country of Origin information was also submitted to the IPO by the Applicant relating to Blood Feuds in Albania.

7. Prior to the oral hearing before the Respondent, she wrote to the Applicant's solicitors on 27 March 2019 regarding, amongst other matters, the attestation letter from the Peace Missionaries Union. This letter raised the question of the reliability of the attestation letter citing alternate Country of Origin Information which advised against accepting these type of letters as reliable.

Decision of the Respondent

8. The Respondent accepted that blood feuds as described by the Applicant do occur in Albania, particularly in the Shkoder region and that self-isolation is a feature that is consistent with other accounts of blood feuds in Albania.
9. However, the Respondent found the Applicant's evidence "*at the hearing of the appeal vague and non-specific, thus undermining his credibility to the extent that the Tribunal finds that he has not established, on the balance of probabilities, that his account is true.*"
10. With respect to the documents which had been submitted on his behalf, the Respondent found that in light of the Country of Origin Information relating to attestation letters and the fact that the attestation letter submitted by the Applicant raised a discrepancy relating to the place of residence of the Applicant's family, the certificate from the Missionaries Union of Albania was not reliable evidence in support of the Applicant's claim.
11. As regards the letter from the Regional Police Directorate, the Respondent found that it could not certify the authenticity of the document.

12. It was also noted by the Respondent that both the Police document and the Peace Missionaries Union certificate were certified after the Applicant had applied for international protection and were both dated 6 November 2015. The Respondent stated that *"having considered the relevant COI relating to fake documents pertinent to the analysis, and having considered the Applicant's testimony, which the Tribunal found to lack credibility, the Tribunal does not afford any weight to the submitted documents."*

13. The Respondent went on to state:-

"The Tribunal finds that the Applicant has not put forward credible evidence, which would establish on the balance of probabilities that his father killed PM in 2000 or that his uncle's restaurant in Lushnje was shot at because of a blood feud. The Tribunal finds that the evidence advanced by the Applicant is not sufficient to credibly establish that a "Blood Feud" exists between his family the M family in Albania and therefore the Tribunal does not extend the benefit of the doubt to him"

14. The Applicant's claim for refugee status or subsidiary protection was therefore rejected.

Grounds of Judicial Review

15. The Applicant seeks an Order of Certiorari quashing the decision of the Respondent. The grounds upon which such an Order is sought crystallised in the course of the hearing to the following:-

- (i) that the Respondent erred with regard to the credibility finding she made against the Applicant by impermissibly speculating about matters and/or by being incorrect in her factual analysis of the evidence by failing to take into account earlier accounts of the Applicant;
- (ii) that the Respondent's assessment of the documentary evidence was unlawful;
- (iii) that the Respondent incorrectly assessed the Country of Origin Information and relied preferentially on the Country of Origin Report which it had itself produced.

Credibility Findings

16. The role which this Court has in relation to the challenge by the Applicant of the credibility findings made by the Respondent is well established. The *locus classicus* case of *IR v. MJE* [2015] 4 IR 144 sets out the applicable principles. It is worth setting out what Cooke J. said at para 10 of the report for the purpose of the analysis which this Court has to conduct:-

"[T]he following principles might be said to emerge from the case law as a guide to the manner in which evidence going to credibility ought to be treated and the review of conclusions on credibility to be carried out:-

- 1) *the determination as to whether a claim to a well founded fear of persecution is credible falls to be made ...by the administrative decision-maker and not by the Court. The High Court on judicial review must not succumb to the*

temptation or fall into the trap of substituting its own view for that of the primary decision makers.

- 2) *on judicial review the function and jurisdiction of the High Court is confined to ensuring that the process by which the determination is made is legally sound and is not vitiated by any material error of law, infringement of any applicable statutory provision or of any principle of natural or constitutional justice.*
- 3) *there are two facets to the issue of credibility, one subjective and the other objective. An Applicant must first show that he or she has a genuine fear of persecution for a Convention reason. The second element involves assessing whether that subjective fear is objectively justified or reasonable and thus well founded.*
- 4) *the assessment of credibility must be made by reference to the full picture that emerges from the available evidence and information taken as a whole, when rationally analysed and fairly weighed. It must not be based on a perceived correct instinct or gut feeling as to whether the truth is or is not being told.*
- 5) *a finding of lack of credibility must be based on correct facts, untainted by conjecture or speculation and the reasons drawn from such facts must be cogent and bear a legitimate connection to the adverse finding.*
- 6) *the reasons must relate to the substantive basis of the claim made and not to minor matters or to facts which are merely incidental in the account given.*
- 7) *a mistake as to one or even more facts will not necessarily vitiate a conclusion as to lack of credibility provided the conclusion is tenably sustained by other correct facts. Nevertheless, an adverse finding based on a single fact will not necessarily justify a denial of credibility generally to the claim*
- 8) *when subjected to judicial review, a decision on credibility must be read as a whole and the Court should be wary of attempts to deconstruct an overall conclusion by subjecting its individual parts to isolated examination in disregard of the cumulative impression made upon the decision-maker especially where the conclusion takes particular account of the demeanour and reaction of an Applicant when testifying in person.*
- 9) *where an adverse finding involved discounting or rejecting documentary evidence or information relied upon in support of a claim and which is prima face relevant to a fact or event pertinent to a material aspect of the credibility issue the reasons for that rejection should be stated.*

10) *nevertheless, there is no general obligation in all cases to refer in a decision on credibility to every item of evidence and to every argument advanced, provided the reasons stated enable the Applicant as addressee, and the Court in exercise of its judicial review function to understand the substantive basis for the conclusion on credibility and the process of analysis or evaluation by which it has been reached."*

17. The Applicant submits that the Respondent impermissibly engaged in speculation and conjecture when determining some of the credibility issues against the Applicant.

Applicant's knowledge of the village (Fierz) in Kosovo where he said he resided for 18 years

18. When asked about Fierz, the Applicant replied *"that it's small, not populated"*. However, he previously had said that the M family did not know exactly where they were because the city is very big. When asked about this discrepancy, he said *"every city has little villages, the city is huge."* He was unable to name surrounding villages because *"he didn't have time to ask about this"*. When asked whether there was a river in the village, he said he *"had never seen it in daylight. I only came out at night when no one could see me"*. The Applicant said that his family did not have a permit to stay. When asked how they avoided the authorities if it was a small village, he replied *"they never found us"*.

19. At para 4.7 of the report, the Respondent found:-

"the Applicant's testimony in response to these core matters relating to his claim to be vague and lacking in detail. Even taking into account his claim to have lived in self isolation, his knowledge of Fierz, a place he allegedly lived for eighteen years, was lacking in substance and his suggestion that an Albanian family could live illegally in a small village for nearly twenty years without coming to the attention of the authorities, lacked credibility, on the balance of probabilities."

His Uncle's inability to give details regarding the M children who were seeking out the Applicant to carry out the threat

20. The Applicant indicated that his Uncle knew through gossip that *"people were looking for them, that they were getting close, and that it would only be a matter of minutes before they found them"*. When asked did he know any details of the M children, he replied: *"I don't know their ages or how many of them there are. I think its two boys, I'm not sure"*. The Respondent found that it would *"have been reasonable to expect that his uncle could provide some detail about the M family members so as to forewarn the Applicant"*.

His return to Albania to obtain a passport in 2011

21. The Applicant indicated that he returned to Albania in 2011 for the purpose of obtaining a passport. He stayed with his uncle for two days and then left. He did this because *"with the danger I was in, and not having an ID card, I had to have something. I was aged 18."* He arrived in Ireland without a passport and indicated that he had given it to the people who brought him here because he had no choice. The Respondent found that the Applicant's *"return to Albania... to obtain a passport, undermines the subjective element of his fears of returning to Albania and his casual abandonment of his passport, having risked his life to obtain this important document, lacks credibility."*

Conjecture/Speculation

22. With respect to each of these findings of the Respondent, the Applicant asserts that the Respondent impermissibly engaged in conjecture or speculation. This Court does not agree. On the basis of the evidence of the Applicant, as outlined above, it was entirely open to the Respondent to make each of these findings. These findings are not based on speculation or conjecture. Instead, they are based on a detailed analysis of the Applicant's evidence by the Respondent with the Respondent applying her common sense and knowledge of life to the evidence given.
23. A fact finder is not obliged to accept the evidence given. Rather, a fact finder must analyse and assess the evidence to determine whether she accepts the evidence and what weight she attaches to it. To conduct that exercise, a fact finder should apply their knowledge of life and common sense to the evidence. In asylum cases, because a fact finder is dealing with different cultures and norms, it is necessary to take account of the different cultures and conditions in the country in question when analysing the evidence. An assessment of what one might reasonably expect in a situation, having regard to the different culture and conditions in the country in question, should be carried out so that a rational assessment of the evidence given can be engaged in.
24. This is precisely the exercise which the Respondent engaged in with respect to her analysis of Applicant's evidence. Rather than her comments being speculation or conjecture, they are instead an assessment of what one would reasonably expect in the situation asserted by the Applicant. Having carried out this exercise, the Applicant's evidence can then be assessed and measured with reference to that expectation.
25. The Applicant also challenged some of the determinations of fact made by the Respondent on the grounds that she did not have proper regard to all the evidence before her.

Where and to whom threats were made by the M family

26. In the course of the Applicant's s. 13(2) interview, he indicated that the threats to his family from the M family were made through his relatives in Albania whereas in the course of his s. 35 interview, he indicated that the threats were made directly by telephone to his home in Kosovo on an almost weekly basis over a seventeen year period. Counsel of behalf of the Applicant accepts that there is such a discrepancy, however he points to the time and nature of the s. 13(2) interview compared with the time and nature of the s. 35 interview, submitting that a degree of latitude should be afforded to the Applicant with respect to the information he provided in the s. 13(2) interview in light of the traumatic situation which he found himself in having just left his family, undergone a covert journey with unknown persons and arriving in a foreign English speaking country seeking refugee status.
27. An opportunity had been provided to the Applicant at the hearing before the Respondent to explain this discrepancy. His response was that "*It was both, through relatives and our phone*". The Respondent found that the Applicant's response "*did not reasonably explain this significant inconsistency in his story*".

28. That finding was open to the Respondent to make. The issue of the threats to the Applicant and his brother was central to his case. The Applicant was given an opportunity to explain this significant inconsistency, which it is accepted arose on the interviews. He provided the answer in his s.35 interview, set out above, which did not refer to any difficulties he had as a result of the situation he found himself in. In fact, the answer given by the Applicant created a further discrepancy. The finding made by the Respondent was available to her on a reasonable assessment of the facts.

Members of the M family were in Kosovo for the last two and a half years and were getting closer to the Applicant's family

29. When discussing the timing of the last threatening phone call to the Applicant's family, which he had asserted to be a year prior to him leaving Kosovo, namely 2017, he gave evidence to the effect that the M family did not call in a year because they were getting closer; that the 2 boys, M's sons, had been in Kosovo for two and a half years. When it was put to him that he had not provided this information before, he said that "*Maybe I did not say it before*". When asked how he knew this, he indicated that his uncle had told him, "*In the last two years, I knew they got into Kosovo. They are still in Kosovo.*"
30. The Tribunal found that this "*new version of events, with no reasonable explanation given for why this significant information was omitted in his application, detracts from the Applicant's general credibility.*"
31. The Applicant takes issue with this finding asserting that the Applicant had provided some detail about this in his s. 35 interview. The Court was referred to the following passages at p 8 of the Applicant's s. 35 interview:-

Q36: When was the last time she received one of these telephone calls

A: When I was there

Q37: Can you be more specific?

A: One year before I left. They were looking for us in Kosovo and if I stayed there maybe I would be killed. After this my mum and my father said you have to leave because I want you to be alive...

Q38: But you had been living in Kosovo for eighteen years at that point. Had they ever found you during these eighteen year?

A: We were lucky during this period of time. If they had found us they would have killed us.

Q39: Had they been looking for you in Kosovo during all of those eighteen years?

A: I don't know because I was staying indoors but they were looking for us in Kosovo."

32. The height of the Applicant's assertion, during his s. 35 interview, is that the M family were looking for them in Kosovo. There is no reference to the M family actually being

present in Kosovo for two and a half years before he left, or that they were getting closer to finding the Applicant's family, or that his uncle had informed him of this. The information provided to the Respondent at the oral hearing can properly be classified as "new information" in relation to a material matter. A discrepancy clearly exists with respect to the earlier information provided by him. As such the Respondent was entitled to make the determinations which she did in relation to it.

Documentary Evidence

33. As referred to earlier, the Applicant had submitted a Police Directorate Certificate and a Peace Missionaries Union certificate, both dated 6 November 2015, to the IPO. These documents were not formally translated. However, there is handwriting in English on each document: the Police Document has the written words: "*Statement from the Police that the father did 12 yrs in Jail – ie did his time*"; the Peace Missionaries certification has the written words: "*to try and make peace between the families. Family of the Murdered man were not happy*". With respect to the Police Certificate, it is noted that the Respondent said at para 4.3 of her report that this document states "*that the Appellant's father BJ, killed PM on 2 August 2000 and was sentenced to twelve years in prison*".

Police Directorate Certificate

34. The IPO, when considering this document held that "*although the authenticity of these documents cannot be verified, the Applicant is afforded the benefit of the doubt in relation to his father's involvement in the death of M on 2nd August 2000*"
35. The Respondent, when considering this document said: "*The Tribunal cannot certify the authenticity of this document and has some concern that the Applicant has not submitted any documentation in respect of his father's involvement in the murder of M that predates the Applicant's application for protection. However, the Tribunal will decide what weight to give to this document, having conducted an overall assessment of the Applicant's credibility.*"
36. An immediate error is apparent: the Applicant had not applied for refugee status until 29 May 2018. Accordingly, the Respondent is incorrect in her reference to the Police Certificate not predating the date of his application for refugee status. There is a possible explanation for the emergence of the certificate in November 2015. The Applicant's brother had sought refugee status in the State in September 2015, which is referred to in the Respondent's report. The Applicant, when asked how he obtained these documents, replied that he asked his sister and she obtained them for him.
37. Having considered and made determinations regarding the Applicant's credibility, the Respondent then proceeded to determine what weight she would give the documentary evidence. Having again noted the issue with respect to the date of the document, about which she is incorrect, she stated: "*Having considered the relevant COI relating to fake documents pertinent to the analysis and having considered the Applicant's testimony, which the Tribunal found to lack credibility, the Tribunal does not afford any weight to the submitted documents.*"

38. The Respondent went on to state: *"The Tribunal finds that the Applicant has not put forward credible evidence, which would establish on the balance of probabilities that his father killed M in 2000 or that his uncle's restaurant was shot at because of a blood feud."*
39. The Applicant submits that fair procedures were not complied with in relation to this determination of the Respondent in that he had not been put on notice that this determination of fact was at issue. He further says that this is a central determination of fact to have been at issue because if it was not accepted that his father had murdered M, then the blood feud could never have arisen in the first instance. In other words, if it was not accepted that his father murdered M, then his claim must ultimately fail.
40. The details of the Applicant's claim in this regard were not set out in his Statement of Grounds or Legal Submissions. However, the Statement of Grounds did claim an error in law by the Respondent in refusing to afford weight to the Certificate. Counsel on behalf of the Respondent did not object to the argument now being made, although she did point to the lack of detail previously provided by the Applicant in this regard.
41. Counsel for the Respondent claimed that an Applicant, in any protection application, is under an obligation to prove their case and submit all relevant documentation in support thereof; that nothing can be assumed to be proven; that the finding of the IPO regarding the Police certificate is of no consequence as the hearing before the Respondent is a hearing de novo. She further submitted that the Applicant had been invited to make submissions regarding the Police certificate in light of the Country of Origin Information which highlighted the regularity of fake certificates relating to blood feuds being issued in Albania. Finally, Counsel for the Respondent submitted that the determination of the Respondent, while ambiguous, was capable of a different reading to that submitted by the Applicant. She submitted that it was possible to read the finding that *"the Applicant has not put forward credible evidence, which would establish on the balance of probabilities that his father killed M in 2000"* as conjoined to the end of the sentence which read *"because of a blood feud"*, thus submitting that the finding of the Respondent was not that it had not been established that the Applicant's father had not killed M in 2000 but rather that it had not been established that the Applicant's father had not killed M in 2000 because of a blood feud.
42. To deal initially with the interpretation of the Respondent's finding in this regard: I cannot accept the interpretation sought to be placed on the wording by the Respondent. The Applicant's case was not that his father had murdered M because of a blood feud, it was that his father murdered M as a result of which, a blood feud arose. Accordingly, on the evidence before the Respondent, only one interpretation of that finding is possible which is that the Respondent found that it had not been established that the Applicant's father murdered M.
43. Did the Applicant have adequate notice that this determination was being considered by the Respondent? An Applicant must of course submit all documentation in support of his claim. The IPO determination raised a question mark over the authenticity of the document but gave the Applicant the benefit of the doubt regarding the specific issue

dealt with in the document, namely that the Applicant's father killed M in August 2000 and served 12 years in prison. The Respondent corresponded with the Applicant prior to the oral hearing bringing alternate Country of Origin Information to his attention relating to fake documents being issued in respect of alleged blood feuds. The Respondent asserts that this put the Applicant on notice of the question mark hanging over both of the documents which he submitted.

44. It is important that the terms of the letter from the Respondent to the Applicant on 27 March 2019 are set out to determine whether the Applicant had notice that the question of his father killing M was at issue. The relevant portion of the letter states:-

"In anticipation of the oral hearing, the Tribunal Member notes that the Applicant submitted a certificated dated, 6 November 2015, signed by a Pashko Toma, head of the Peace Missionaries' Union Albania, Malesia e Madhe Branch, as evidence of the blood feud and the failed attempts to reconcile same. The Tribunal refers you to COI, which indicates that Attestation letters from Albanian non-governmental organisations should not in general be regarded as reliable evidence of the existence of a feud. COI indicates that such documentation can easily be obtained without merit. The Tribunal refers in particular to the United Kingdom: Home Office, Country Information and Guidance Albania: Blood feuds, 6 July 2016 wherein it states:

"The IRB report, Albania: Attestation letters for blood feuds: [...] 01 February 2012, stated that: "Various sources report that some NGOs have issued false documents about blood feuds. In response to an increase in blood feud related asylum claims in Belgium in September and October of 2011, the head of Belgium's Asylum and Migration department reportedly claimed that behind the individual asylum seekers "is an entire organisation networks that provide documents and fake papers in exchange for huge amounts of money"... "in addition, the Office of the Commissioner General for Refugees and Stateless Persons in Belgium, in a report about falsified documents in Albania, notes that the Albanian television programme "Fiks Fare" during a 27 October 2011 presentation, showed the president of the Peace Missionaries Union Albania Pashko Toma, while being filmed with a hidden camera, accepting money for signing and stamping a document that was written by an "undercover" journalist. The president "explained to the journalist that he issues similar attestation letters to Albanians from all over the country and that his secretary knows what to do when she writes these kind of documents [emphasis added]... "According to the report of the Office of the Commissioner General for Refugees and Stateless Persons in Belgium "considering [...] the extent of corruption in Albania, it is impossible to be sure about the level of corruption of certain organisations. As a consequence, the attempt of examining the authenticity of an attestation letter cannot be conclusive." The report also notes that although some

organisations have issued fake attestation letters it does not mean that all attestation letters issued by those organisations contained false information."

"With regard to the above, the tribunal will be inviting submissions on the day of the appeal hearing in respect of the authenticity of the submitted reconciliation certificate."

45. It is clear from the last line of this letter that the specific concern of the Respondent was the authenticity of the Certificate from the Peace Missionaries Union. Further, the information quoted only refers to certificates of this nature and NGO's. Accordingly, I reject the contention that the Applicant was put on notice that both certificates were under review by the Respondent.
46. The question then arises as to what the effect of this finding is. In *BW v. RAT* [2017] IECA 296, the Court of Appeal stated in a judgment delivered by Peart J.:-

"[W]here an issue of concern emerges for the first time on a papers-only appeal in relation to a matter which the appellant has not already had a fair opportunity to address, either because it was not put to her at interview, or because perhaps it may have arisen for whatever reason only after the ORAC process had ended, and that concern is in relation to something which is material to the basis on which asylum is being sought, and therefore to the decision whether or not she be granted a declaration of refugee status, she is as a matter of fair procedures entitled to an opportunity to address it. Whether that opportunity requires some form of oral hearing in relation to the concern, or whether it can be dealt with fairly and adequately in writing will depend on the particular facts. It will be a matter to be considered by the Tribunal member in any individual case. But the principle is the same. If the concern is a material concern – one that has the capacity to affect the outcome of the appeal – then the appellant is entitled to a fair opportunity to address the concern where that opportunity has not already been provided."
47. The question which therefore arises is whether the Respondent's finding that it had not been established that the Applicant's father killed M, was a material concern which affected the outcome of the appeal. I am of the view that it was not a material concern in light of the manner and order in which the Respondent made her decision.
48. The Respondent left over the decision regarding the weight which she should attach to the Police Certificate until after she concluded an assessment of the Applicant's credibility. She took account of her findings regarding his credibility when subsequently determining the weight to be given to the document. She then determined that in light of her negative findings regarding credibility, which as I have found were open to her, no weight should attach to this document. The date of the Applicant's protection claim, about which she was in error, while noted by her, was not ultimately relied upon by her in her assessment of weight. Further, as already noted, that date has a closeness in time to when the Applicant's brother sought asylum within the State.

49. The result of this analysis of her decision making process demonstrates that she found the Applicant's claim for protection, on the basis of the asserted blood feud, unfounded. The finding of not accepting that his father had carried out the alleged murder was not material to that decision.
50. Accordingly, while, the fact that the Applicant was not put on notice that this was at issue, it did not have a material effect in terms of the outcome of the Respondent's decision.

Country of Origin Information

51. Counsel for the Applicant also submitted that preferential reliance was placed on the Country of Origin information produced by the Respondent which cautioned against reliance being placed on attestation letters certifying blood feuds between families. This argument was not particularly developed in the course of the hearing.
52. The Respondent did not preferentially rely on the Country of Origin information produced by itself. The Respondent accepted the Country of Origin information from the Applicant to the extent that blood feuds do exist in Albania and that self isolation can be a result of such blood feuds. However, having regard to the Country of Origin information produced by the Respondent, cautioning against accepting attestation letters which certified such blood feuds as reliable, the Respondent proceeded to assess the actual certificates produced in this case and decided, having regard to the determinations she made regarding the Applicant's credibility, and having regard to a discrepancy in relation to the area of residence which manifested itself on the Peace Union Missionaries Certificate, that no weight could be given to the document.
53. This is a finding which was completely open to the Respondent to make and no error of law is apparent in that regard.
54. I therefore refuse the Applicant the relief sought and will make an order for costs in favour of the Respondents.