



IAC-BFD- MD

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

Appeal Number: AA/02210/2015

**THE IMMIGRATION ACTS**

**Heard at Bradford  
On 6<sup>th</sup> October 2015**

**Decision & Reasons Promulgated  
On 21<sup>st</sup> October 2015**

**Before**

**UPPER TRIBUNAL JUDGE ROBERTS**

**Between**

**GB  
(ANONYMITY DIRECTION MADE)**

**Appellant**

**and**

**THE SECRETARY OF STATE FOR THE HOME DEPARTMENT**

**Respondent**

**Representation:**

For the Appellant: Mr T Hussain, of Counsel

For the Respondent: Mr M Diwnycz, Home Office Presenting Officer

**DECISION AND REASONS**

1. The Appellant is a citizen of Albania born 28<sup>th</sup> December 1988. He appeals with permission against the decision of the First-tier Tribunal (Judge Grimshaw) dismissing his appeal against the Respondent's decision to refuse to grant him asylum and to remove him to Albania.

2. The main claim to asylum is based on a fear of his father and/or his father's associates. The Appellant comes from a remote village in Northern Albania and claims to have suffered physical and mental abuse at the hands of his father. He says the State can offer no protection against this and he fears that if returned to Albania his life would be in danger. On any return he will be targeted by his father and/or his father's associates.
3. Added to this, he says, relocation elsewhere in Albania is not an option as there is nowhere safe from his father's reach or that of his father's associates. The net is cast wide. Since arriving in the UK, the Appellant has attempted suicide and is currently receiving treatment for mental health problems.
4. The Respondent refused the claim because, she noted, it centred around the actions of non-state actors. She considered that the Appellant had not established that there was a systematic failure of state protection. There were a number of inconsistencies in the Appellant's account.
5. So far as internal relocation was concerned the Secretary of State considered it was reasonable to expect the Appellant to live in another part of Albania, such as Tirana. It was further noted that his fiancée and a friend were already living there. Suitable medical mental health facilities also exist there.
6. Having heard evidence and considered all the documentary evidence before her including that of an expert, the Judge made two significant findings set out here:
  - She was satisfied that the Appellant had experienced the amount of violence claimed, from his father.
  - She took note from the country expert that domestic violence is considered a private family matter which receives little interest from the authorities
7. Permission to appeal Judge Grimshaw's decision was granted by the UT on 14<sup>th</sup> July 2015 on a renewed application. Although four grounds were put forward when seeking permission, by the time of the hearing before me, Mr Hussain accepted that realistically grounds 2 and 3 were in fact part and parcel of grounds 1 and 4. The relevant parts of the grant of permission are reproduced here.

"The appellant, a citizen of Albania, appeals against the Respondent's decision refusing his asylum, humanitarian protection and human rights claims. First-tier Tribunal Judge Grimshaw dismissed the appeal on all grounds.

The second ground alleges in summary that the internal relocation assessment is flawed due to the Judge completely failing to address whether there is equivalent risk elsewhere and thereafter whether the asylum seeker can reasonably be expected to stay there."
8. I heard submissions from both representatives. I am satisfied that in an otherwise carefully constructed decision, Judge Grimshaw has simply fallen short of deciding fully with reasons, the question of whether it is the reasonable or unduly harsh to expect the Appellant to relocate internally elsewhere in Albania. The Respondent has always maintained that Tirana is an option. The expert says not.

9. The Judge made a clear finding that the Appellant was abused at the hands of his father – what she did not accept was that the Appellant’s father has social networks all over the country. As Mr Hussain submitted, it is hard to reconcile that finding without a full rejection of the Expert’s Report that internal relocation is not viable in this case. The Judge of course is perfectly at liberty to reject the Expert’s evidence, but in doing so must give clear reasons for that rejection.
10. The Judge also, it is said, did not reconcile her findings with the expert’s evidence concerning an almost complete lack of mental health facilities in Albania, sufficient to ensure the Appellant is not a suicide risk. This discrete point also needs to be fully dealt with.
11. I find that I accept Mr Hussain’s submissions. The Judge erred simply in not fully setting out her reasons for reaching the conclusion that she did on the internal relocation question. Both representatives were of the view that should I find any error in the terms submitted, then the appropriate course would be to remit the matter to Judge Grimshaw to complete the task she has started. The errors are ones which are capable of being cured by Judge Grimshaw giving full reasons for her conclusions on internal relocation.
12. I agree with the above course. The decision is otherwise a carefully considered one and therefore the Judge’s finding that the Appellant suffered mental and physical abuse at the hands of his father is preserved. I am satisfied therefore that the Judge has erred on the discrete point of the reasonableness of internal relocation and that the appropriate course is to remit this matter to Judge Grimshaw to finalise this matter.
13. Her decision will need to take into account the Appellant’s mental health problems (his risk of suicide) the expert’s report and whether in the light of all these circumstances internal relocation could be said to be unduly harsh/unreasonable.

### **Decision**

14. The FtT decision contains error. The matter is remitted to the FtT, to Judge Grimshaw, in the terms outlined above.

### **Direction regarding anonymity – Tribunal Procedure (Upper Tribunal) Rules 2008 Rule 14**

**The appellant is granted anonymity throughout these proceedings, unless and until the Tribunal directs otherwise. No report of these proceedings shall directly or indirectly identify her or any member of their family. This direction applies both to the Appellant and to the Respondent. Failure to comply with this direction could lead to contempt of Court proceedings.**

**Signature**

**Dated**

Judge of the Upper Tribunal