



IAC-FH-NL-V1

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

Appeal Number: AA/10371/2015

THE IMMIGRATION ACTS

Heard at Field House

On 9th March 2016

**Decision &
Promulgated**

On 4th April 2016

Reasons

Before

DEPUTY UPPER TRIBUNAL JUDGE GRIMES

Between

**MR D M
(ANONYMITY DIRECTION MADE)**

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Mr I Palmer, Counsel instructed by Wimbledon Solicitors
For the Respondent: Mr S Kotas, Home Office Presenting Officer

DECISION AND REASONS

**Direction Regarding Anonymity - Rule 14 of the Tribunal Procedure
(Upper Tribunal) Rules 2008**

The First-tier Tribunal made an order pursuant to rule 13 of the Tribunal Procedure (First-tier Tribunal) (Immigration and Asylum Chamber) Rules 2014. I continue that order.

Unless and until a Tribunal or court directs otherwise, the Appellant is granted anonymity. No report of these proceedings shall directly or indirectly identify him or any member of his 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.

1. The Appellant, a citizen of Albania, appealed to the First-tier Tribunal against a decision of the Secretary of State dated 9th July 2015 to refuse his application for asylum in the United Kingdom. First-tier Tribunal Judge Young dismissed the appeal and the Appellant now appeals to this Tribunal with permission.
2. The background to this appeal is that the Appellant claims that he lived in Tirana in Albania with his mother and two brothers, one of whom is now in Germany. He claims that his family have been in a blood feud with another family since 2010 when there was a fight between his two cousins and another man who was killed in October 2010. The Appellant's father left the family home as a result of threats from the other family. The Appellant's cousin was killed and the man who killed his cousin was killed by another cousin in June 2013. During this time the Appellant was at school and was kept indoors after his 16th birthday in May 2014. The Appellant left Albania in September 2014.
3. The First-tier Tribunal Judge concluded at paragraph 66:

“In the evidence that was given and in consideration of the statements made at the asylum interviews it did appear to me that the appellant has been consistent in his account of the feud and that from the point he was initially interviewed through to the appeal hearing. At the hearing he did take time to understand and answer the questions that were put to him clearly and he also helped to clarify any matters that he was unsure of as that questioning proceeded. In the circumstances I did not find that his account was incredible in asserting that there had been feuds between the two families and would not reject his claim on that basis.”
4. The judge went on to consider the guidance in the case of **EH (blood feuds) Albania CG [2012] UKUT 0348 (IAC)** which gives guidance on establishing whether a person is at risk based on a blood feud. The First-tier Tribunal Judge concluded that there is an effective legal system for the detection, prosecution and punishment of acts arising as a result of blood feuds based on the fact that two individuals had been arrested, prosecuted and imprisoned as a result of their involvement in this particular blood feud [77]–[78]. The judge also noted that the Appellant's mother had visited the local police but concluded that there was nothing to support any representation made to the police or that the authorities have ignored the Appellant's mother in her enquiries. The judge concluded at paragraph 87 that he could not accept that either there was an insufficiency of protection or that the other family were of such

influence that they could arrange to have released their family member early from detention by bribery. The judge went on to consider internal relocation and concluded at [93] that the Appellant;

“... is clearly a resourceful individual. He does not appear to have any health or psychological issues. It would not appear to be unduly harsh or unreasonable for him to relocate outside the area to avoid the risk. He has shown resilience in coming from Albania to the United Kingdom and attempting to establish a life in this country. There would not appear to be any real reason why he could not re-establish his life in Albania. He gives no reason for being unable to live elsewhere in Albania other than that the [other] family would track him down but I am not able to accept that claim.”

5. In the Grounds of Appeal the Appellant contends that the judge’s decision contains a number of errors of law resulting from procedural unfairness in that material evidence was not afforded proper consideration. It is contended that the judge did not give proper consideration to objective evidence which it is claimed shows that the criminal justice system in Albania is not sufficiently robust to provide sufficient protection to the Appellant. It is contended that, if the judge had properly considered the information available to him within the objective bundle, he would have made a finding to the contrary.
6. Permission to appeal was granted on the basis that it was arguable that in coming to his decision the judge did not consider all of the country information to which he was referred by the Appellant’s representative.
7. At the hearing before me Mr Kotas pointed out that the application for permission to appeal made to the First-tier Tribunal was made out of time and that the judge granting permission did not refer to that. Mr Kotas indicated that in the circumstances he would not object to time being extended.
8. As permission was granted by the First-tier Tribunal, in my capacity as a First-tier Tribunal Judge, I hereby extend time for the application for permission to appeal in accordance with the Tribunal Procedure (First-tier Tribunal) (Immigration and Asylum Chamber) Rules 2014 in light of the short period by which the time limit was exceeded and in the interests of justice given the Appellant's young age and the issues in the case.
9. At the hearing before me Mr Palmer made no substantive submissions in relation to the grounds of appeal. The grounds essentially assert that the judge failed to take into account the background evidence. However the evidence quoted in the grounds is general and does not identify capable of making a material difference to the judge’s decision. Mr Palmer did take me to any background evidence before the judge which contradicted the judge’s conclusions or which could have made a difference to the outcome of the appeal. This ground of appeal is not made out.

10. Mr Palmer submitted that in addition to the issues raised in the Grounds of Appeal there were a number of **Robinson** obvious points of legal error. He submitted that there was an obvious error at paragraph 74 where the judge identified the difficult issues by the Appellant as being “(1) the likely attitude of the police and authorities authorities (sic) in considering whether there is sufficiency of protection in Albania”. He suggested that this sets out the wrong task because the correct task actually relates to the legal system and its ability to protect the Appellant. However I note that the judge was applying the guidance from **EH** which refers to the past and likely future attitude of the police and other authorities towards the feud and I am satisfied that the judge made no error in relation to the rehearsal of the test. The difficult issues identified by the judge at paragraph 74 reflects the guidance in **EH** that in determining whether an active blood feud exists the Tribunal should consider, inter alia,;

“(iv) the past and likely future attitude of the police and other authorities towards the feud and the protection of the family of the person claiming to be at risk, including any past attempts to seek prosecution of members of the aggressor clan, or to seek protection from the Albanian authorities.”

11. Mr Palmer further submitted that the judge made an obvious error in relation to the internal relocation. Alternatively he submitted that the judge’s assessment of internal relocation was glaringly irrational and failed to take into account the Appellant’s age. He submitted that it is irrational to say that a 17 year old can relocate internally outside his home area, especially in light of the judge’s findings that the Appellant’s family are in self-confinement. He submitted that there is no evidence that the Appellant would be protected as an orphan in Albania, that he was brought to the UK by a human smuggler and was under the care of social services in the United Kingdom.
12. I do not accept that there is any merit in this submission. The judge gave clear reasons for his decision that the Appellant could internally relocate at [92] and [93]. The judge noted the Appellant’s ability to relocate to the United Kingdom and the fact that he does not have any health or psychological issues. The judge was clearly aware of the Appellant’s age and I am satisfied that the judge made findings in relation to internal relocation on the basis of the evidence before him. Mr Palmer submitted that in terms of the decision on internal relocation the judge failed to consider that if the Appellant is self-confined he would have to live indoors to protect himself from prosecution. This issue was not raised in the grounds of appeal and there is no **Robinson** obvious error in the judge’s approach to internal relocation.
13. Mr Palmer submitted that the judge did not make sufficient findings in relation to sufficiency of protection and that the judge said only that the mere existence of the police is enough. However it is clear that the judge took into account all of the evidence before him in relation to the efforts the Albanian authorities are taking to address blood feuds in considering sufficiency of protection. I consider that the judge reached a conclusion

open to him on the evidence in relation to sufficiency of protection. This issue was not raised in the grounds of appeal and there is no **Robinson** obvious error in the judge's approach to sufficiency of protection.

14. Mr Palmer further submitted that the judge failed to apply evidential safeguards in relation to the Appellant's evidence and in particular he submitted that the judge erred in concluding at paragraph 86 that there was nothing to support the Appellant's assertion that a member of the opposing family had been released by bribes. He submitted that the judge is saying that the Appellant, a child, could have obtained "reports and other documentary evidence" and he submitted that this amounted to a procedural unfairness against the Appellant. He submitted that the real problem is that the judge found the Appellant credible in some respects but not in others because of the additional proof that he required. I do not consider that the judge made any error in relation to this. It is clear that the judge accepted most of the Appellant's evidence. There is nothing to say that a judge has to accept all of the evidence of a minor. I note that the Appellant made no challenge in the grounds to any of the findings of fact. I consider that the judge has been balanced in relation to his dealings with the Appellant's evidence. This issue was not raised in the grounds of appeal and there is no **Robinson** obvious error in the judge's approach to the Appellant's evidence.
15. I have considered all of the submissions and the decision of the Judge of the First-tier Tribunal in the round and I am satisfied that the judge made no material error. The grounds have not been made out, there are no **Robinson** obvious errors as put forward by Mr Palmer.

Decision

16. The decision of the First-tier Tribunal Judge contains no material errors of law.
17. The decision of the First-tier Tribunal Judge shall stand.
18. The anonymity Direction made by the First-tier Tribunal is continued.

Signed

Date: 23rd March 2016

Deputy Upper Tribunal Judge Grimes

TO THE RESPONDENT
FEE AWARD

No fee is paid or payable and therefore there can be no fee award.

Signed

Date: 23rd March 2016

Deputy Upper Tribunal Judge Grimes