



Upper Tribunal
(Immigration and Asylum Chamber)

Appeal Number: PA/04168/2017

THE IMMIGRATION ACTS

Heard at Field House
On 7 June 2018

Decision & Reasons Promulgated
On 27 June 2018

Before

DEPUTY UPPER TRIBUNAL JUDGE LEVER

Between

X CA
(ANONYMITY DIRECTION MADE)

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Mr Karim of Counsel
For the Respondent: Mr Tarlow, a Presenting Officer

DECISION AND REASONS

Introduction

1. The Appellant XCA born on 23rd March 1999 is a citizen of Albania. The Appellant was represented by Mr Karim of Counsel. The Respondent was represented by Mr Tarlow, a Presenting Officer.

Substantive Issues under Appeal

2. The Appellant had made application for asylum and that application had been refused by the Respondent on 5th April 2017. The Appellant had appealed that decision and his appeal was heard by Judge of the First-tier Tribunal Cameron sitting at Taylor

House on 5th February 2018. He had dismissed the Appellant's appeal on all grounds. Application for permission to appeal was made on 9th March 2018 and permission to appeal was granted by First-tier Tribunal Judge Grant-Hutchison on 23rd March 2018. It was said that it was arguable that the judge had failed to make any clear findings as to the conclusion of the country expert which could have made a material difference to the outcome or the fairness of the proceedings when considering other documentation lodged by the Appellant and findings concerning the Appellant's private and family life when the judge made findings concerning the Appellant's family had not been involved in a blood feud.

Submissions on Behalf of the Appellant

3. Mr Karim sought to argue all the matters raised in the Grounds of Appeal. In terms of Ground 1 of the application it was said that the judge was wrong to have taken upon himself the expertise in deciding that signatures made on two documents were not made by the same person (paragraph 61, decision). It was further submitted that the judge had not reached conclusions about the expert although it was conceded he had set out information provided by the expert. It was said that it was necessary to reach conclusions and have regard to the expert report as it was relevant to the issues of protection. It was further said that the judge had not properly considered all the new evidence that had been presented post the original decision.

Submissions on Behalf of the Respondent

4. It was submitted by Mr Tarlow that the Appellant's submissions essentially amounted to a disagreement with the judge's decision. It was said the judge had taken the **Devaseelan** point at paragraph 85 and thereafter had looked and relied upon documents from the British Embassy. In respect of the question of the potentially differing signatures it was said that that was not a material point.
5. At the conclusion I reserved my decision to consider the case. I now provide that decision with my reasons.

Decision and Reasons

6. The Appellant had originally arrived in the UK in February 2014 and claimed asylum. His application had been refused but he had been granted discretionary leave to remain until 23rd September 2016. Although he appealed that decision that appeal was dismissed both by the First-tier Tribunal and the Upper Tribunal.
7. The judge had noted at paragraph 14 that the Appellant had been granted discretionary leave as an unaccompanied asylum seeking child and those circumstances no longer prevailed as he was over 18.
8. The judge had set out in some detail the submissions raised on behalf of both parties at paragraphs 22 to 46 and had in mind the issues raised in this case.
9. He had correctly identified the principle in **Devaseelan [2002] UKIAT 00702**, that the decision of the previous judge was his starting point (paragraph 49). The previous

judge's decision was promulgated on 9th September 2015 and was upheld by the Upper Tribunal. At paragraph 50 the judge had quoted paragraph 27 of the original judge's decision which set out the judge's findings that the core aspects of the Appellant's story lack credibility and the background material did nothing to support the Appellant's case.

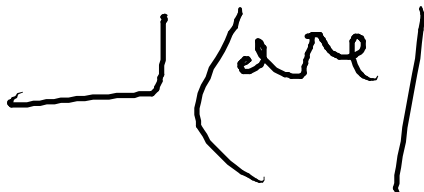
10. At paragraph 52 the judge identified the new documentary evidence submitted in support of the Appellant's case postdating that earlier decision. At paragraphs 53 to 59 the judge outlined in summary the contents of those documents. Two of those documents were letters from the British Embassy in Tirana who had made checks and enquiries with the Albanian Ministry of the Interior, Directorate of Civil Registry. In summary the evidence from the Interior Ministry who had themselves made checks disclose that the Appellant was not under threat due to any conflict, revenge or blood feud. It also concluded that a document issued by the Appellant to the Home Office allegedly from the Tirana Regional Police Directorate had a counterfeit signature and stamp.
11. The judge had noted that this particular letter from the Ministry of the Interior had been supplied to the Appellant at a previous hearing which had resulted in the granting of an adjournment. The Appellant had thereafter produced a further letter from the Police Directorate in Tirana dated 22nd January 2018 which seemed to support the authenticity of the earlier suspect letter dated 14th June 2017.
12. At paragraph 61 the judge considered those two letters. He found an examination of the signatures disclose that there were differences by which "it is difficult to imagine why someone who would sign using a dot above an i and a j would not do so every time." Significantly he also noted at paragraph 62 that the second letter made no reference to, or explanation why the original letter had been found not to be genuine.
13. The judge referred to an expert report produced by a Dr Korovilas and summarised the contents of that report at paragraphs 63 to 73.
14. Thereafter in considering the additional documentary evidence before him the judge had at paragraphs 84 to 88 reached essentially the following conclusions:
 - (a) He noted that his starting point was the finding by the first judge that the Appellant was not credible in relation to the claimed blood feud.
 - (b) He acknowledged the comments of Dr Korovilas concerning the genuine appearance of stamps but noted he did not comment on signatures and reiterated his own concerns regarding the signatures.
 - (c) He found he could rely on the documents from the British Embassy in Tirana who in turn had contacted the Albanian Ministry of the Interior and the Police Directorate in Tirana indicating that the Appellant's parents were not involved in a blood feud contrary to the core assertions made by the Appellant.
 - (d) Some of the additional documents submitted by the Appellant had clearly been shown not to be genuine.

15. He was entitled when assessing all the additional evidence postdating the original decision to find as he did that the Appellant's family had not been involved in a blood feud. He adopted the correct standard of proof in that respect at paragraph 89.
16. It is perhaps true to say the judge was a little speculative concerning the alleged differences in signatures. However he merely expressed concern, rather than making a clear decision. Further at paragraph 62 as noted above there was a secondary and discrete reason that raised concerns with regard to the letter of 22nd January 2018 that the judge was entitled to consider. Further it is clear he relied upon what he understandably found to be the most reliable documentary evidence, namely that produced by the British Embassy from Albania who had contacted the Albanian police and Government sources.
17. Separately he had considered country material postdating the earlier decision if such was relevant given the adverse credibility findings.
18. In respect of the country expert it is clear the judge had considered that report and indeed had summarised its salient points. He noted that the expert had written a number of articles but none appeared to deal with blood feuds (paragraph 63). He further noted the expert's appraisal of the letters at paragraph 69. However the judge did as indeed he should consider the expert's report in the round as being merely a part of the evidence available to him. The weight of the evidence generally and in particular the clear findings from what could be considered the best source meant the judge's decision was properly considered, well reasoned and entirely available to him on the evidence presented. Any possible speculation concerning the signatures did not in all the circumstances count for much and was certainly not something that caused a material error of law.

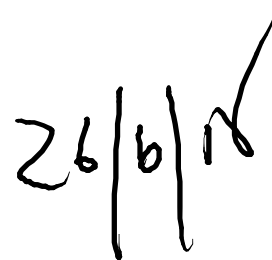
Notice of Decision

19. I do not find a material error of law was made by the judge in this case and I uphold the decision of the First-tier Tribunal.
20. Anonymity direction made.

Signed



Date



Deputy Upper Tribunal Judge Lever

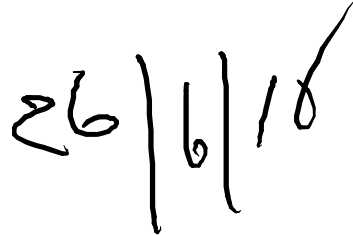
TO THE RESPONDENT
FEE AWARD

I have dismissed the appeal and therefore there can be no fee award.

Signed



Date



Deputy Upper Tribunal Judge Lever