



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

Appeal Number: PA/09695/2017

**THE IMMIGRATION ACTS**

**Heard at Field House  
On 20 February 2018**

**Decision & Reasons  
Promulgated  
On 21 March 2018**

**Before**

**DEPUTY UPPER TRIBUNAL JUDGE J G MACDONALD**

**Between**

**[A M]  
(~~ANONYMITY ORDER NOT MADE~~)**

Appellant

**and**

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

Respondent

**Representation:**

For the Appellant: Mr D Chirico, Counsel instructed by Finsbury Law Solicitors  
For the Respondent: Ms A Everett, Senior Home Office Presenting Officer

**DECISION AND REASONS**

1. The Appellant is a citizen of Albania whose claim to require international protection was refused by the Secretary of State and his subsequent appeal to First-tier Tribunal Judge Easterman dismissed in a decision promulgated on 21<sup>st</sup> November 2017.
2. Grounds of application were lodged. It was said that the judge had required corroboration in circumstances that were unlawful and irrational. The judge did not find fault with the Appellant's evidence, which evidence had been consistent. The judge had made a requirement for documentary

corroboration of the account which was unlawful and irrational for a number of reasons. In particular the judge said that one would have expected there to have been press reports which might have been available to the Appellant. The grounds observe that even if the Appellant had produced a press report it would not have been given any weight. Reference is made to the country guidance case of **EH (blood feuds) Albania CG [2012] UKUT 00348 (IAC)** which confirmed that the Tribunal did not consider that a press report concerning a blood feud would normally add enough weight to an Appellant's account for a blood feud. The Appellant as a child could not therefore realistically be expected to provide corroboration and the Appellant had been consistent in his evidence and it was unclear why he would need corroboration. Secondly, there was a failure to consider objective evidence in relation to the issue of internal relocation. Reference was made to two country guidance cases which had been ignored by the judge.

3. Permission to appeal was granted by First-tier Tribunal Judge Alis who said it was arguable that given his age and the judge's acceptance of his account that an additional requirement for corroboration was unduly onerous given the guidance in **ST (Corroboration - Kasolo) Ethiopia [2004] UKIAT 00119**.
4. Thus the matter came before me on the above date.
5. Mr Chirico relied on his grounds. The judge had imposed the requirement for corroboration on the account which was simply not justified. In particular the judge had referred to the usefulness of press reports which had been discounted by the Tribunal in the country guidance case of **EH**.
6. There was clear guidance given in country guidance cases on the issue of internal relocation which had not been dealt with by the judge. I was asked to set the decision aside and remit the appeal to the First-tier Tribunal.
7. For the Home Office Ms Everett agreed that the reference to press reports was troubling. Nevertheless simply because the Appellant's account was consistent did not mean that the judge was bound to accept it.
8. I reserved my decision.

### **Conclusions**

9. The judge noted (paragraph 64 of the decision) that the Appellant's answers taking into account his age "do not give rise to inconsistencies per se", but he went on to say that the case relied purely on his account when one might have expected to see some other evidence. In paragraph 65 he said the account given by the Appellant was a very straightforward one. In paragraph 63 the judge said that the Appellant asserted his father killed Mr [F] after a dispute about the blocking off of water to his father's land. The judge said "I cannot rule out that that occurred" but went on to

say that one would have expected there to have been press reports or something of the like which might have been available to the Appellant.

10. The inescapable inference from reading the judge's decision in its totality is that he was requiring corroboration on the Appellant to produce further written evidence. The reference to expecting there to have been press reports is unfortunate because the country guidance case of **EH** makes it clear that a press report would not normally add much weight to an Appellant's account of a blood feud. The reasoning is that Albanian press reports carry limited, if any, weight because the evidence is that stories can be freely inserted in both the national and local press whether or not there is any substance to them.
11. It therefore seems to me that the judge has fallen into error and erred in law by requiring the Appellant to produce corroboration of a kind which may not be helpful in any event. I conclude that the error is material one and that the decision is not safe. It is true that the judge goes on to consider the issue of internal relocation but as was pointed out he does not refer to two country guidance cases and emphasises (paragraph 75) that he does not accept that it has been shown that there is in fact a blood feud between the Appellant's family and the [F] family. It seems to me that these findings are not safe either principally because the judge's findings on whether or not the Appellant fears a blood feud in Albania have been tainted by his findings that he does not fear such a feud.
12. Because the judgment is not safe it seems to me that it is necessary to set it aside and that further fact finding is necessary. Mr Chirico accepted that he could seek no more than a remit to the First-tier Tribunal which given that further fact finding is necessary seems to me to be the appropriate course.
13. The decision of the First-tier Tribunal is therefore set aside in its entirety. No findings of the First-tier Tribunal should be allowed to stand. Under Section 12(2)(b)(i) of the 2007 Act and of Practice Statement 7.2 the nature and extent of the judicial fact finding necessary for the decision to be re-made is such that it is appropriate to remit the case to the First-tier Tribunal.

### **Notice of Decision**

The making of the decision of the First-tier Tribunal did involve the making of an error on a point of law.

I set aside the decision.

I remit the appeal to the First-tier Tribunal.

No anonymity order is made.

Signed *JG Macdonald*

Date 20th March 2018

Deputy Upper Tribunal Judge J G Macdonald