



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

Appeal Number: PA/10083/2016

**THE IMMIGRATION ACTS**

**Heard at Field House  
On 14<sup>th</sup> September 2018**

**Decision & Reasons  
Promulgated  
On 25<sup>th</sup> September 2018**

**Before**

**UPPER TRIBUNAL JUDGE MARTIN**

**Between**

**MR MARSEL HYSAJ  
(ANONYMITY DIRECTION NOT MADE)**

Appellant

**and**

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

Respondent

**Representation:**

For the Appellant: No Representative

For the Respondent: Mr I Jarvis (Senior Home Office Presenting Officer)

**DECISION AND REASONS**

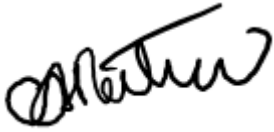
1. This is an appeal to the Upper Tribunal by the Appellant in relation to a Decision and Reasons of the First-tier Tribunal promulgated on 27<sup>th</sup> July 2017. It is a Decision and Reasons of Judge Abebrese and the appeal that he was determining was that of an Albanian man born in 1995 who had entered the United Kingdom and some two months later, after he had

been arrested, claimed asylum. He did so on the basis that he was at risk because of a blood feud, he having got a girl pregnant and her brothers would kill him on return. He also claimed that since he has been in the UK his uncle, with whom he was particularly close, had been killed and he had speculated that that was by the same people.

2. I am proceeding in the absence of either the Appellant or the Appellant's representatives. The time is now 11.55 and the case was listed at 10. When nobody arrived the clerk contacted the solicitors, Duncan Lewis & Co, to be told that they were without any instructions from the Appellant, and when they tried to telephone he refused to answer. The Notice of Hearing was sent both to the Appellant at his home address and to the representatives and thus there is no reason to prevent me from proceeding to hear it in their absence.
3. The Judge started his findings and analysis of the evidence at paragraph 20 of his Decision and he ultimately concluded that the Appellant's claims were not credible; that he was not at risk and the appeal was dismissed.
4. Permission to appeal was granted by a Judge of the First-tier Tribunal who found it arguable that the Judge had failed to give any or any adequate reasons for his findings on credibility and plausibility and particularly pointed out the contents of paragraph 28 of the Decision.
5. At paragraph 28 as referred to in the grant of permission, the Judge says this:

"I also found that the appellant was not plausible in relation to how he found out that his assailants were in the same country as he was and how he got to know that this was the case. I did not find the appellant to be credible in relation to his claim that his uncle was killed as a consequence of his conduct and he has invented this in order to bolster his claim. The appellant did post information on Facebook regarding his uncles but he made no mention of how he might have died."
6. If one looks at that paragraph in isolation it does not contain reasons. However, when reading the findings and analysis section of the Decision and Reasons as a whole it is quite clear that the Judge does give his reasons. The reasons are contained from paragraph 20 and what he says in paragraph 28 is essentially a summary of the findings that he has made above. He refers, for example, to the death of his uncle but clearly it is only the Appellant's speculation that this was related to the claimed risk from his ex-girlfriend's brothers. The Appellant was only guessing they were responsible. It is not the case that the Decision is inadequately reasoned as full reasons are given for finding the claim entirely lacking in credibility. The Judge also noted that the Appellant claimed asylum only after he was arrested. There is no error of law, material or otherwise, in the judgment of the First-tier Tribunal. Accordingly, the appeal to the Upper Tribunal is dismissed.

No anonymity direction is made.

A handwritten signature in black ink, appearing to read 'Martin', written in a cursive style.

Signed  
2018

Date 20<sup>th</sup> September

Upper Tribunal Judge Martin