



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

Appeal Number: PA/07236/2017

**THE IMMIGRATION ACTS**

**Heard at Bradford  
On 18<sup>th</sup> November 2019**

**Decision & Reasons Promulgated  
On 25<sup>th</sup> November 2019**

**Before**

**DEPUTY UPPER TRIBUNAL JUDGE D E TAYLOR**

**Between**

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

Appellant

**and**

**FB  
(ANONYMITY DIRECTION MADE)**

Respondent

**Representation:**

For the Appellant: Mr Diwyncz, Home Office Presenting Officer

For the Respondent: Mr Greer of Counsel, instructed by Ison Harrison Solicitors

**DECISION AND REASONS**

1. This is the Secretary of State's appeal against the decision of Judge Bircher made following a hearing at North Shields on 4<sup>th</sup> January 2019.

**Background**

2. The claimant is a national of Albania born on 8<sup>th</sup> October 1996. He arrived in the UK illegally on 24<sup>th</sup> July 2014 and claimed asylum. There then followed lengthy judicial review proceedings following the refusal and certification of his asylum claim. An appealable decision to refuse him was made on 13<sup>th</sup> July 2017.

3. His appeal was subsequently dismissed but that decision was set aside and ordered to be reheard in the First-tier Tribunal. The judge allowed the appeal and her decision was challenged by the Secretary of State.
4. In a decision made by Upper Tribunal Judge Plimmer on 16<sup>th</sup> May 2019 it was decided that the FtT decision contained an error of law and it was set aside.
5. It was agreed by all parties that a number of the judge's positive findings of fact should be preserved, namely that the claimant's family was involved in a feud with his paternal uncle, his father sought the protection of local elders and the police, but they refused to intervene, and the uncle then set fire to the claimant's home. The family sought to avoid the uncle by hiding in a barn in the mountains away from the family home but were found by the uncle who fired shots at them. The claimant is not now in contact with his father and brother.
6. Whilst it was accepted that the claimant would be at risk on return to his home area the Upper Tribunal Judge concluded that the FtT had not properly addressed the issue of internal relocation nor had given adequate reasons for deciding that it would not be possible for the claimant to relocate in this case.

### **The Hearing**

7. Prior to the hearing both parties produced skeleton arguments.
8. Mr Diwyncz submitted that the claimant could reasonably relocate to the city of Tirana. In his skeleton argument he said that no evidence had been led or produced to show that any of the claimant's family have been harmed or killed. His uncle would not know that he had left Albania nor whether he had returned, since the claimant himself asserted that the uncle would not know if his father and brother were still there.
9. There was no evidence to show that the uncle was well-connected, influential or otherwise able to trace the claimant throughout Albania. He had shown little interest in seeking out the family. It took him a year to encounter them in the barn and there was no evidence whatsoever of any interest in him since. Tirana is only 24 miles away from the claimant's home village as the crow flies but 72 miles by road and two and a half hours away.
10. Mr Greer submitted that it had been accepted that the claimant would be at risk in his own village. In order to lead any kind of relatively normal life in Albania he would have to return there in order to obtain an identity card, which would put him at risk. There was a question, given his accepted fear, whether he would choose to do so but in any event, should his uncle become aware of his return to Albania, he could by simple payment of a bribe gain access to personal information held in the civil register. BF (Tirana - gay men) Albania CG [2019] UKUT 93 recognised

that it is plausible that a person might be traced via family or other connections being made on enquiry in Tirana. Given that the claimant's uncle had made earnest attempts to pursue him in the past it was reasonable to assume that he would be likely to do so again in the future.

11. Furthermore the claimant would run the risk of destitution on return. He would be unable to obtain social housing until he secured regular employment and youth unemployment in Albania is almost 70%. His work experience is extremely limited and he ceased his education after year nine.

### **Findings and Conclusions**

12. I conclude that the claimant could reasonably relocate to Tirana for the following reasons.
13. The claimant came to the UK in 2014. There is no evidence whatsoever that his uncle has shown any interest in him since that date. Whilst the claimant says that he is not in touch with his family it is most unlikely that if any of them had been harmed by his uncle that he would not have known of it.
14. Second, even if his uncle was still interested in pursuing him, there is absolutely no evidence that his reach extends further than the local area. There is a great deal of difference between a brief visit to the local town to obtain an identity card and settling in the area but in any event the claimant and his family remained in the locality for a year after the original dispute before the events of July 2014. This would suggest that a brief return to obtain identity documents would not pose any real risk to him.
15. The chance of bumping into someone who might recognise him, some five years later and that person seeking out the claimant's uncle who might then decide to bribe an official to find out more about his whereabouts is so remote as not to pose any realistic threat.
16. So far as the risk of destitution is concerned, the claimant is a healthy young man. It seems, from the expert report, that he may be able to receive social assistance subject to passing an asset and income based means test. Whilst that may be minimal the claimant, having spent five years in the UK, ought to have reached some proficiency in English which would assist him in gaining employment.
17. For these reasons the claimant could reasonably relocate to another area of Albania, in particular Tirana, where he would be at no real risk of harm or of any treatment contrary to the ECHR.

### **Notice of Decision**

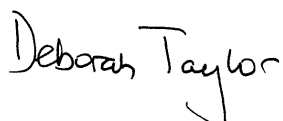
The original judge erred in law. Her decision has been set aside. It is remade as follows. The claimant's appeal is dismissed.

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

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 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.

Signed

Date 25 November 2019

A handwritten signature in black ink that reads "Deborah Taylor". The signature is written in a cursive style with a large initial 'D' and a long tail on the 'y'.

Deputy Upper Tribunal Judge Taylor