



IAC-FH-NL-V1

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

Appeal Number: AA/02651/2014

THE IMMIGRATION ACTS

**Heard at Field House
On 11 November 2014**

**Decision & Reasons Promulgated
On 28 November 2014**

Before

**THE HONOURABLE MRS JUSTICE ANDREWS DBE
DEPUTY UPPER TRIBUNAL JUDGE FRENCH**

Between

**S.T.
(ANONYMITY DIRECTION MADE)**

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Mr Bonavero (Counsel, instructed by Kilby Jones)

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

DECISION AND REASONS

1. This is an appeal brought against a determination of the First-tier Tribunal, (FtT Judge Oliver) dated 6 September 2014. The grounds of appeal are, in essence, that there was a failure by the First-tier Tribunal to deal with a very substantial part of the appellant's case. In order to put this into context we should say a little about what the case was all about.
2. The appellant is an Albanian citizen. He was born on 4 November 1991. He arrived in the United Kingdom in around September 2011. He was

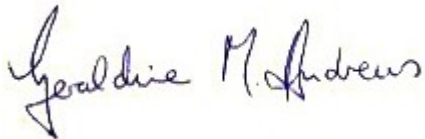
apprehended by the UK Border Agency on around 28 October 2011 whilst working in the country, and subsequently claimed asylum. The Secretary of State refused his application for asylum under paragraph 336 of the Immigration Rules in a decision of 8 April 2014, and it was that decision which was the subject matter of the appeal to the First-tier Tribunal. The First-tier Tribunal dismissed the appeal both on asylum and humanitarian protection grounds and on human rights grounds.

3. The appellant said, in essence, that he was a member of a family in Albania, the T family, which was the subject of an active blood feud by another family. The blood feud is said to have gone back to 1995. It is said that the appellant's father had killed a prominent member of the other family and that he in turn was killed by a member of that family. The appellant himself is the only son, and whilst in normal blood feuds he would be the next one to seek revenge, his case was that the other family, despite attempts to appease them and explain that he had no intention of violence towards them, were determined to act against him in a pre-emptive strike. He said that this was manifested by the fact that, having fled to Italy in his late teens, he came back to Albania in 2010 and was allegedly beaten by members of the other family and subsequently shot at. His evidence was that they had powerful connections within the government, and that therefore the police were unlikely to be able to protect him, notwithstanding that at one point (as noted in the determination) he had said that the police were very active on his family's side in 1995.
4. There are a number of criticisms made of the determination in the grounds of appeal and we need not set out all of them here. Suffice it to say that there were no findings made in relation to the alleged threat that was posed to the appellant himself by the beating and the shooting when he went back to Albania from Italy.
5. Moreover, the reasoning in paragraph 31 of the determination appears to us to be seriously deficient. The Judge has said that the other family would have accepted an offer of reconciliation in order to ensure their own safety, and that he did not accept that a family which was said to be some 40 people strong would have the ability to locate the appellant if he moved from a particular area of Albania. That falls a long way short of a clear finding that internal relocation would be available to the appellant, even though that is a possible finding that could have been made on the evidence.
6. We regret to say that the deficiencies in relation to the findings and the reasoning in this determination are so serious that it cannot really be said that the determination is capable of being sustained, or that there is no material error of law in it. The judge simply appears to have failed to engage with large parts of the case that was being put before him by the appellant. If adverse findings are to be made on credibility they have to be made in the light of consideration of the evidence as a whole, and a determination of what did or did not happen.

7. In those circumstances it seems to us that we have no choice but to quash this determination and to send it back to the First-tier Tribunal so that the matter can be re-heard.
8. We therefore allow the appeal.

Direction Regarding Anonymity - Rule 45(4)(i) of the Asylum and Immigration Tribunal (Procedure) Rules 2005

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. 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 27th November 2014

Mrs Justice Andrews