



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

Appeal Number: AA008282015

**THE IMMIGRATION ACTS**

**Heard at : IAC Manchester**

**Decision &  
Promulgated**

**Reasons**

**On : 23 May 2016**

**On: 26 May 2016**

**Before**

**UPPER TRIBUNAL JUDGE KEBEDE**

**Between**

**D D  
(ANONYMITY DIRECTION MADE)**

Appellant

**and**

**SECRETARY OF STATE FOR THE HOME DEPARTMENT**

Respondent

**Representation:**

For the Appellant: Ms J Fisher, instructed by Tuckers Solicitors

For the Respondent: Mr G Harrison, Senior Home Office Presenting Officer

**DECISION AND REASONS**

1. The appellant is a national of Albania born on [ ] 1972. She arrived in the United Kingdom on 10 February 2014, together with her three children, hidden in the back of a lorry. She contacted the Asylum Screening Unit in Croydon the

following day and claimed asylum. Her claim was refused on 25 November 2014. She appealed against that decision and her appeal was heard before the First-tier Tribunal and was dismissed in a determination promulgated on 22 June 2015. Permission to appeal to the Upper Tribunal was granted on 16 July 2015.

2. The appellant's claim is based upon a blood feud which exists between her husband's family and a neighbouring family, the R family. She claims that the feud began after an incident in October 2008 in which her husband fired a gun at Q R, following a disagreement which took place at her husband's family's place of business, and seriously injured him. The appellant's husband was arrested and convicted and spent two years in prison. Her children were attacked by children of the R family when at school. After her husband's release, attempts were made at reconciliation but were unsuccessful. The family moved to Tirana but were pursued there by the R family and attempts were made to kill her husband. Her husband then left Albania, in September 2012. The appellant left later, fearing problems for her son when he turned 16 years of age.

3. The respondent, in refusing the appellant's claim, did not accept that a blood feud existed and did not accept that the appellant and her children would be at risk on return to Albania.

4. The appellant appealed that decision to the First-tier Tribunal and her appeal was heard before First-tier Tribunal Judge Mulvenna on 8 June 2015. The judge considered the appellant's account to be a fabrication and dismissed the appeal on all grounds.

5. Permission to appeal was sought by the appellant on the grounds that the judge had failed to give proper consideration to the expert report and the documentary evidence and had failed to give adequate reasons for his adverse credibility findings.

6. Permission to appeal was granted on 16 July 2015.

7. At the hearing I heard submissions from both parties on the error of law and have reached the following conclusion.

### **Consideration and findings.**

8. Whilst it is the case that the weight to be given to the evidence is a matter for the judge, it is also for the judge to give full and proper reasons for according the relevant weight to the evidence. In this case, Judge Mulvenna's reasoning for rejecting the expert evidence and the documentary evidence appears simply to be that he did not believe the appellant's account. There appears to be little in the way of a rounded consideration of all the evidence. It is relevant to note that the documents were rejected by the judge on the basis of the findings at [33] and [34], yet those paragraphs do not provide reasons in themselves for rejecting documentary evidence purporting to come from the

police (see page 146 of the appeal bundle). I find myself, furthermore, in agreement with Ms Fisher's assertion that, whilst the judge refers to the appellant's evidence as being confused and contradictory, there is no elaboration on that and it is not entirely clear which parts of the evidence, if any, were accepted, and which rejected.

9. It may well be that on a full and rounded assessment of all the evidence, properly considered and weighed up, the same adverse conclusion is reached on the appellant's claim. However that is not necessarily the case and it seems to me that such an assessment has yet to be made.

10. Accordingly, I find that the judge's findings cannot be sustained and that the decision has to be set aside in its entirety for full and properly reasoned findings to be made on the evidence. The appropriate course is for the case to be remitted to the First-tier Tribunal to be heard de novo, with none of the credibility findings made by the judge being preserved.

## **DECISION**

11. The making of the decision of the First-tier Tribunal involved the making of an error on a point of law. The decision is set aside. The appeal is remitted to the First-tier Tribunal, to be dealt with afresh, pursuant to section 12(2)(b)(i) of the Tribunals, Courts and Enforcement Act 2007 and Practice Statement 7.2(b), before any judge aside from Judge Mulvenna.

### **Anonymity**

The First-tier Tribunal made an anonymity order. I uphold that order, pursuant to Rule 14 of the Tribunal Procedure (Upper Tribunal) Rules 2008 (SI 2008/269).

Signed

Upper Tribunal Judge Kebede