



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

Appeal Number: AA/08020/2015

THE IMMIGRATION ACTS

**Heard at Field House
On 12 February 2016**

**Decision & Reasons Promulgated
On 26 February 2016**

Before

DEPUTY UPPER TRIBUNAL JUDGE SHERIDAN

Between

**KK
(ANONYMITY DIRECTION MADE)**

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation

For the Appellant: Ms M Benitez, Counsel instructed by Sentinel Solicitors
For the Respondent: Mr S Whitwell, Senior Home Office Presenting Officer

Anonymity

Pursuant to Rule 14 of the Tribunal Procedure (Upper Tribunal) Rules 2008 (SI 2008/269) I make an anonymity order. Unless the Upper Tribunal or a Court directs otherwise, no report of these proceedings or any form of publication thereof shall directly or indirectly identify the appellant. This direction applies to, amongst others, all parties. Any failure to comply with this direction could give rise to contempt of court proceedings.

DECISION AND REASONS

1. The appellant is a citizen of Albania born on 20 March 1997 who arrived in the UK on 30 June 2014 and applied for asylum on 2 July 2014.
2. The appellant's claim, in summary, is that his family have been involved in a blood feud since 1993. He described an incident in 2008 where shots were fired at his father and uncle whilst returning from grocery shopping. He says that upon turning 16 he became a target of the feud, the consequence of which was that he lived in self confinement until his uncle arranged for him to leave Albania. He claims that if he were to return to Albania he would be at risk of being killed.
3. The respondent refused the application. It did not accept there was an active blood and considered that the appellant could return safely to either his home area or elsewhere in Albania.
4. The appellant appealed and his appeal was heard by First-tier Tribunal ("FtT") Judge Fromm who, in a decision promulgated on 9 October 2015, dismissed the appeal.
5. The FtT accepted there was an incident in 1993 that triggered a blood feud but did not accept the feud was ongoing or that the appellant would be targeted. The FtT's findings in support of this conclusion included, inter alia, the following:
 - a. There have been no further murders since 1993 and that even taking the appellant's claim at its highest the last incident was in 2008.
 - b. The appellant has nine male cousins, all of whom are older than him, but did not relate a single incident involving them since 1993. The FtT stated that the absence of further attempts to exact revenge over 22 years makes it highly unlikely there is an active blood feud.
 - c. The FtT did not find credible the appellant's explanation as to why the incident in 2008 was not reported to the police given, inter alia, that the police took action following the 1993 incident.
 - d. If the appellant's father and uncle were at risk and living in semi-confinement, the FtT did not accept it is consistent for them to have been grocery shopping by car, which is the activity in which they were said to be engaged when shots were fired at them in 2008.
 - e. The FtT had difficulty with the appellant's account of attending school for eight months after turning 16 notwithstanding the renewal of the feud in 2008.
 - f. The FtT found the appellant's oral evidence about whether his cousins were living in self confinement to be inconsistent.
 - g. It also found his account of contacting his family after arriving in the UK unreliable and in respect of documents submitted by the appellant the FtT stated that "there was much artifice in the appellant's account regarding the provenance of the documents and this undermines their credibility."
 - h. In respect of two letters produced, one from the Golaj commune and the other from the Golaj village, attesting to the blood feud, the FtT

held it was not able to give them weight as providing corroboration of the appellant's account.

Grounds of appeal and submissions

6. The grounds of appeal contend that the FtT failed to take into account the evidence before it that the appellant's family were living in self confinement as an explanation for the absence of further revenge attacks during the course of the feud.
7. The grounds also submit that FtT erred by rejecting the two letters from the Golaj commune on the basis they had a similar content and layout given they are official documents.
8. Miss Benitez argued that the FtT failed to consider and make findings in respect of attempts at reconciliation in 2010 and 2013 which have a bearing on the issue of there being an active feud.
9. In respect of the rejected documents, she argued that the FtT failed to appreciate that they were similar because they originated from the same authority - the similarity should be a factor supporting their credibility, not detracting from it. She stated that it was speculation on the part of the judge to assume the Albanian local offices would have a distinct email address and not use a hotmail address.
10. Mr Whitwell argued that the FtT had considered and was aware of the claimed self confinement of relatives. At paragraph [34] the judge set out the appellant's evidence about his cousins living in self confinement and at paragraph [31] discussed the appellant's father's self confinement. Mr Whitwell referred to the FtT's findings about the appellant continuing his schooling beyond the age of 16 and his father going to the supermarket and argued that it was open to the FtT, on the evidence before it, to find there was not an active feud.
11. With regard to the two documents that were not accepted, Mr Whitwell noted that the FtT had given them careful consideration and had not confused them with being NGO documents. The FtT's reasons, taken together, were adequate to justify its conclusion.

Consideration

12. The first ground of appeal takes issue with the FtT's finding that there was no longer an active blood feud given that the self confinement of the appellant's family would explain the absence of attacks.
13. I do not consider this ground to have any merit. The FtT gave several reasons to explain why it found the blood feud to not be ongoing. This included, *inter alia*, that appellant continued to attend school after 16, that there have been no attacks on his nine elder cousins and that the appellant's father and uncle felt able in 2008 to go grocery shopping by car notwithstanding their self confinement.

14. In reaching its finding about the blood feud, it is clear the FtT had regard to the appellant's family's alleged self confinement. This was considered, in respect of the appellant's uncle and father, at paragraphs [31] and [32] where their grocery shopping by car in 2008 was discussed. In respect of the appellant's nine older cousins, the FtT considered their self confinement at paragraph [34], where it was stated the appellant's evidence about them being in self confinement was inconsistent and embellished.
15. It is my view, therefore, that the FtT has considered the evidence before it about the feud and in explaining its reasons for finding that the feud is not ongoing has take into account the alleged self confinement of the appellant's family.
16. The second ground of appeal relates to two letters dated 10 October 2014 from the Golaj Commune, one of which specifies it is from the Golaj village elders. The letters state that there is blood feud ongoing since 1993 which has not reconciled.
17. At paragraph [40] the FtT noted that the letters were virtually identical, had a hotmail rather than governmental email address and are dated the same day. It also said that they are almost entirely silent on important matters such as who requested the confirmation, what records were consulted, what events caused the feud and under what authority they were issued.
18. At paragraph [41] the FtT stated: "drawing these points together, I am not able to give the documents weight as providing corroboration of the appellant's account".
19. It is apparent from the decision that the FtT has given careful consideration to the letters. Whilst I accept there is merit to Miss Benitez's argument that the use of a hotmail account and the similarity of format between the letters should not weigh against them, the FtT has looked at the letters in the round and, taking into account, in particular, that the letters fail to address key information about the feud (as set out at paragraph [17] above) I am satisfied that it was open to the FtT to not give the letters weight as providing corroboration of the appellant's account.
20. Accordingly, I find that the appellant is unable to succeed under either of the grounds of appeal and therefore that the decision of FtT Judge Froom should stand.

Decision

- a. The appeal is dismissed.
- b. The decision of the First-tier Tribunal did not involve the making of a material error of law and shall stand.
- c. An anonymity direction is made.

Signed

A handwritten signature in black ink, appearing to be 'SH', followed by a long horizontal line extending to the right.

Deputy Upper Tribunal Judge Sheridan

Dated: 23 February 2016