



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

Appeal Number: PA/04501/2017

THE IMMIGRATION ACTS

**Heard at Field House
On 22 February 2018**

**Decision & Reasons Promulgated
On 28 February 2018**

Before

DEPUTY UPPER TRIBUNAL JUDGE CHAPMAN

Between

**MR E M
(ANONYMITY DIRECTION MADE)**

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Mr J Collins, Counsel instructed by Sentinel Solicitors
For the Respondent: Mr T Wilding, Home Office Presenting Officer

ERROR OF LAW DECISION AND REASONS

1. The Appellant is a national of Albania, born on 15.5.99. He arrived in the United Kingdom on 24.10.15 and claimed asylum on 27.10.15 on the basis that he was a victim of trafficking as a consequence of which he feared persecution on return to Albania.
2. His asylum application was refused by the Respondent in a decision dated 27.4.17 and his appeal against that decision came before First-tier Tribunal Judge Davidson for hearing on 13.11.17. In a decision and reasons promulgated on 29.11.17 the Judge dismissed

the appeal on the basis that he did not find the Appellant's evidence to be credible; there were implausibilities in his account and he could relocate internally within Albania where there is a sufficiency of protection.

4. An application for permission to appeal to the Upper Tribunal was made in time on 13.12.17 in which it was asserted that: (i) the Judge's findings in relation to the Appellant's statement as to what had occurred in Albania and core aspect of his trafficking claim were inadequate; (ii) the negative credibility finding related primarily to the Appellant's travel out of Albania rather than his account of being trafficked within Albania and the Netherlands, both of which accorded with the background evidence; (iii) the Judge failed to take proper account of the Appellant's age at all material times; (iv) the Judge's findings were made in a vacuum without regard to the background material (v) the findings on internal relocation and sufficiency of protection are barely reasoned, inadequate and fail to engage with the Appellant's age and lack of family support.

5. Permission to appeal to the Upper Tribunal was granted in a decision of Upper Tribunal Judge Martin dated 4.1.18 on the basis that it was arguable that the decision and reasons does not engage fully with the evidence and that the reasoning is inadequate.

Hearing

6. At the hearing before me, Mr Wilding fairly accepted that the Judge had *inter alia* entirely failed to engage with events within Albania and he agreed with Mr Collins that it would be appropriate for the appeal to be remitted for a hearing *de novo* before the First tier Tribunal.

7. In light of Mr Wilding's helpful concession that the Judge made a material error of law in his decision, which I find renders the entirety of that decision unsustainable, there is no need for me to go on to consider the other grounds of appeal.

Decision

8. The decision of First tier Tribunal Judge Davidson is set aside and the appeal is remitted for a hearing *de novo* before a different Judge of the First tier Tribunal.

Rebecca Chapman

Deputy Upper Tribunal Judge Chapman

23 February 2018