



**Upper Tribunal
(Immigration and Asylum Chamber)
PA/13523/2016**

Appeal Number:

THE IMMIGRATION ACTS

**Heard at Field House
On 28 February 2018**

**Decision & Reasons
Promulgated
On 29 March 2018**

Before

DEPUTY UPPER TRIBUNAL JUDGE DAVEY

Between

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Appellant

and

MISS L G

(ANONYMITY ORDER CONTINUED)

Respondent

Representation:

For the Appellant: Miss J Isherwood, Senior Presenting Officer

For the Respondent: Miss G in person

DECISION AND REASONS

1. The Appellant is referred to as “the Secretary of State”. The Respondent is referred to as “the Claimant”.
2. The Claimant, a national of Albania, date of birth 31 January 1994, appealed against a decision of the Secretary of State dated 22 November 2016. Her appeal against the Secretary of State’s decision came before

First-tier Tribunal Judge Asjad who, on 20 September 2017, allowed her appeal on Humanitarian Protection grounds and made an anonymity order which is continued.

3. The decision was challenged by grounds raised by the Secretary of State and permission to appeal was given by Designated Judge of the First-tier Tribunal Manuell who stated as follows:-

“1. First-tier Tribunal Judge Asjad allowed the Appellant’s protection appeal in a decision and reasons promulgated on 20 September 2017. The Appellant is Albanian. She claimed she was at risk on return from her family and from society.

2. The Respondent’s (Secretary of State) onwards grounds dated 26 September 2017 were in time. They assert in summary that the judge misapplied country guidance and failed to give sufficient reasons for her findings.

3. The grounds have merit and identify arguably material errors of law. The consideration of the current country background material appears superficial and country guidance has arguably been misunderstood.”

4. Miss Isherwood fairly relies on the two grounds that had been raised: First, the Judge made errors in seeking to equate the Claimant’s circumstances to that of being a trafficked woman when the reality was that the evidence showed she had been the victim of domestic violence within Albania; and secondly, the Judge failed to identify how the risk from the Claimant’s family was properly addressed by way of either internal relocation or sufficiency of protection in the sense contemplated by the case of Horvath.

5. The Claimant at the appeal was unrepresented but she essentially said (and repeated) her fears on return from her family from her brothers who

have murderous intent towards her and her child, and the lack of any support from her family were she to return. It is extremely unfortunate that the Claimant, having attended the hearing and called evidence from two witnesses who it would seem the Judge accepted their evidence. Although the findings are somewhat inadequate, it seems to have accepted, although there is a lack of clarity in any reasoning given that the Claimant was a credible witness of fact. Assuming that was a conclusion the Judge could reasonably have arrived at, unfortunately the analysis of the risks posed to the Claimant including the question of whether internal relocation was an option or there was sufficiency of protection to which the Claimant could have recourse, issues raised in the Reasons for Refusal Letter, simply have not been properly addressed by the Judge, either at all or sufficiently.

6. In addition, the Judge had before her cited extensively in the Reasons for Refusal Letter the Secretary of State's case which addresses risk on return and a sufficiency of protection, and unfortunately those matters simply have not been tackled as is reasonable to expect.
7. It may well be the outcome was as a fact the right one, but quite simply absent of proper reasoning and sufficient reasoning, I find there is a material error of law and the Original Tribunal's decision cannot stand.

NOTICE OF DECISION

8. The appeal is allowed to the extent that the matter must be returned to the First-tier Tribunal to be determined in accordance with the law.

DIRECTION REGARDING ANONYMITY - RULE 14 OF THE TRIBUNAL PROCEDURE (UPPER TRIBUNAL) RULES 2008

Unless and until a Tribunal or court directs otherwise, the Claimant is granted anonymity. No report of these proceedings shall directly or indirectly identify

her or any member of her family. This direction applies both to the Claimant and to the Secretary of State. Failure to comply with this direction could lead to contempt of court proceedings.

Signed

Date 20 March 2018

Deputy Upper Tribunal Judge Davey