



Upper Tribunal
(Immigration and Asylum Chamber)

Appeal Number: PA007062017

THE IMMIGRATION ACTS

Heard at Glasgow
on 6 July 2017

Decision and Reasons Promulgated
on 10 July 2017

Before

UPPER TRIBUNAL JUDGE MACLEMAN

Between

**A N
(ANONYMITY DIRECTION MADE)**

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

For the Appellant: Mr K Maguire, Advocate, instructed by Karis Solicitors Ltd, London
For the Respondent: Mr M Matthews, Senior Home Office Presenting Officer

DETERMINATION AND REASONS

1. The appellant, a citizen of Albania, appeals against a decision by First-tier Tribunal Judge Walters, promulgated on 10 April 2017, dismissing her appeal against refusal of asylum.

The grounds of appeal to the UT.

2. The points raised in the grounds appear in three paragraphs of the application:

¶7 - the judge did not mention the respondent's acceptance that she had been subjected to domestic violence by Mr B C;

¶8 - the judge did not assess the appellant's claim to be at risk from her own family;

¶9 – the judge did not consider the claim in the context of country information placed before him about the scale of gender based violence in Albania and the impracticality of internal relocation as a lone woman starting afresh.

Submissions for appellant.

3. The decision narrated the evidence, but failed to make findings, although much appeared to be accepted. No reason was given for finding at ¶34 no risk of being tracked down and harmed by B C or his family in Albania. One discrepancy was mentioned at ¶36, but it was not said what was made of it. The appellant's claim of risk from her own family was before the FtT in her witness statement, which she adopted in evidence, but the judge did not deal with it. The unreasoned finding, and the omission, together or separately, required a remit for a fresh hearing in the FtT.

Submissions for respondent.

4. The appellant's submissions sought to add to the grounds, in that ¶7 simply says that a matter was not mentioned, without specifying any error. In any event, the point was not in issue, and the judge obviously accepted it. The grounds made no challenge to the conclusion that there was no risk from B C and his family, based on absence of reasoning or on anything else. Reference to the evidence about the attitude of the appellant's own family showed that she said she was not welcome, but she did not say she would return to her family, and she did not say they would want to track her down and ill-treat her, or would be capable of doing so. She had advanced no case of risk from her family, so that was why the decision did not deal with it. There had simply been no evidence of risk to the appellant in Albania either from the family of B C, or from her own.

Discussion and conclusions.

5. Mr Maguire sought to make of the grounds as much as they might yield, but even if the further points he identified were to be allowed in, it is not shown that the making of the decision of the FtT involved the making of any error on a point of law.
6. The case on risk from B C and his family was as straightforward as the judge found at ¶34-35: accepting her main contentions, they had no ongoing interest in her, and there was no real risk of their tracking her down and harming her, because they had no reason to do so.
7. The alleged omission to deal with risk from her own family was the principal trigger for the grant of permission: but on reference to the evidence, the appellant had not raised any such case for the judge to deal with. He noted at ¶32 confirmation for the appellant's cousin that her family maintained their stance of disowning her. That did not suggest risk. At best for the appellant, it was relevant to relocation.
8. Mr Maguire did not seek to add to ¶9 of the grounds. The issue of internal relocation is dealt with at ¶37: the appellant is a highly educated young woman [she has a master's degree, which is also a teaching qualification] who has demonstrated her

independence by living alone in rented accommodation for 4 years while studying at Tirana University. That is brief, but adequate; on the evidence, any other conclusion would be surprising.

9. The decision of the First-tier Tribunal shall stand.
10. An anonymity direction was made in the FtT. The matter was not addressed in the UT, so anonymity has been maintained herein.

A handwritten signature in black ink, appearing to read "Hugh Macleman". The signature is written in a cursive style with a large, stylized initial 'H'.

7 July 2017
Upper Tribunal Judge Macleman