



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

Appeal Number: AA/07752/2014

THE IMMIGRATION ACTS

**Heard at Field House
On 28 January 2015**

**Decision & Reasons
Promulgated
On 4 February 2015**

Before

UPPER TRIBUNAL JUDGE PINKERTON

Between

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Appellant

and

**MISS DASHURI MEZINI
(ANONYMITY DIRECTION NOT MADE)**

Respondent

Representation:

For the Appellant: Ms A Holmes

For the Respondent: Ms A Bhachu

DECISION AND REASONS

1. For ease of reference I refer to the parties as they were before the First-tier Tribunal so that hereafter the appellant is Miss Mezini and the respondent is the Secretary of State for the Home Department.
2. The appellant is a citizen of Albania who was born on 4 June 1985. She claimed asylum on 6 January 2014 but her application was refused. Following a hearing in the First-tier Tribunal and by a decision

promulgated on 3 December 2014 the asylum appeal was dismissed but her human rights appeal was allowed under Article 3 ECHR.

3. The respondent sought permission to appeal that decision and permission was granted. It was submitted that the judge had materially erred in law by applying the findings of **AM and BM (Trafficked women) Albania CG [2010] UKUT 80 (IAC)** to the appellant's case when the appellant did not claim to be a trafficked woman. It was further submitted that the findings in **AM and BM** did not have general application to women in Albania but related solely to women who are found to have been a previous victim of trafficking. Therefore the judge had materially erred in law when considering the sufficiency of protection and internal flight options available to the appellant.
4. Furthermore, it was submitted that the judge had failed to take into account the objective evidence included in paragraphs 31-47 of the Reasons for Refusal Letter that indicate that a sufficiency of protection and internal flight options are available to someone in the position of the appellant. The judge also failed to take into account the appellant's educational and employment history when finding that it would be unduly harsh to expect her to relocate.
5. At the hearing before me Ms Holmes candidly accepted that she saw no problem with the judge looking at **AM and BM** because although the case was dealing with trafficked women from Albania there was nevertheless other "useful stuff in there". Her main concern was that the judge had not engaged properly with the sufficiency of protection and internal flight alternative points in the decision.
6. I also heard submissions from Ms Bhachu. I concluded that although there are undoubtedly justified criticisms of the decision it cannot be challenged successfully in law. The judge could have made his findings a lot clearer but nevertheless he has made sufficient findings and given adequate reasons in coming to his conclusion that the appeal be allowed.
7. Firstly, I note that the refusal letter itself refers to **AM and BM** and its applicability to this appellant and certainly much is said in that case about the position of women in Albania generally so it is clearly pertinent to this appeal. Ms Bhachu referred me to the Operational Guidance Note issued by the Home Office in respect of Albania dated 14 October 2014 and in particular to 3.20 and the following paragraphs that make reference to victims of domestic violence.
8. At 3.20.3 there is reference to a government shelter for domestic violence victims in Tirana; police routinely denying protection to women housed at this shelter when they travelled to court appearances or to take their children to school, leaving some to be assaulted by their husbands while they were away from the shelter; and police often not having the training or capacity to deal with domestic violence cases.

9. At 3.20.12 the comment is made that “for a claim to succeed on grounds of domestic violence, the onus will be on the applicant to demonstrate not only that they will face on return persecutory or inhuman or degrading treatment, but also why they would be unable to access effective protection or alternatively relocate elsewhere in Albania to escape localised threats from members of their family, but the reasonableness of internal relocation must be assessed on a case by case basis taking full account of the individual circumstances of the particular claimant”.
10. The judge in the First-tier Tribunal at paragraph 30 of the decision set out that he found that the account provided by the appellant is credible in its material aspects. He accepted that she has been a victim of domestic violence at the hands of her family and has failed to fulfil her promise to marry. She is a single mother who is relatively young, and who has a child outside of wedlock with no support on return to Albania. The appellant has been disowned by her family and will be targeted by the family of the man she was promised to marry and this will be for embarrassing them. She would be unable to reside in her home area or anywhere in Albania due to her problems.
11. In paragraph 34 the judge finds that the appellant would not get the protection that she seeks from the authorities and gives reasons. He notes the background material in the country guidance case which refers to women living without family being “fair game” for men and those with a child and no father were particularly vulnerable. This leads him to conclude that it is not reasonable for the appellant to access the protection of the state because the practice is to contact the family if a request for assistance is made and the appellant is at risk from her family and possibly other family members given how they perceive honour.
12. Later in the paragraph the judge confirms that the appellant’s evidence that her father and family would not be accepting of her given that she has a child born out of wedlock and, bearing in mind the guidance given in **AM and BM** and the objective evidence submitted, he accepts the evidence given by the appellant.
13. In paragraph 35 he gives reasons as to why the appellant could not internally relocate. Those reasons are adequate.

Notice of Decision

14. It is for these reasons that I find that the judge has not erred materially in the decision and therefore the decision of the First-tier Tribunal stands.
15. Although the appellant was granted anonymity in the First-tier Tribunal I was not addressed on the matter and I do not consider that now she has succeeded in her appeal anonymity is any longer required. Therefore the anonymity direction made at the earlier hearing is no longer in force.

Signed

Date **4 February 2015**

Upper Tribunal Judge Pinkerton