



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

Appeal Number: PA/03255/2018

THE IMMIGRATION ACTS

**Heard at Field House
On 8th November 2018**

**Decision & Reasons
Promulgated
On 22nd November 2018**

Before

DEPUTY UPPER TRIBUNAL JUDGE D E TAYLOR

Between

**XD
(ANONYMITY DIRECTION MADE)**

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: No appearance

For the Respondent: Mr C Avery, Home Office Presenting Officer

DECISION AND REASONS

1. This is the appellant's appeal against the decision of Judge Wyman made following a hearing at Hatton Cross on 10th April 2018.

Background

2. The appellant is a citizen of Albania born on 1st April 1998. He arrived in the UK in October 2015 and claimed asylum. He was referred to the competent authority to assess whether he was a victim of human trafficking or slavery but it was concluded that he was not a victim of

modern slavery. It was on that basis that his application for asylum was refused.

3. The judge, having heard oral evidence from the appellant, concluded that the competent authority was wrong to find that he was not a victim of trafficking. Indeed she found that the trafficking decision was irrational and that the appellant had provided a reasonable explanation in relation to the various issues raised.
4. It is the appellant's case that he had been trafficked to the UK by his father and another man, O, as a consequence of his father owing substantial debts to O. His father had become unemployed in 2014 and was unable to obtain work. He owed O 10 million Albanian lek and O suggested that he would find the appellant a job and he would then be able to repay the debt. His father told him that he needed to go with O and to obey him.
5. In September 2015, O took the appellant to Belgium where he was told to beg in the main train station before coming to the UK illegally on the back of a lorry a month later. The appellant was told to stay in the house of a friend of O's in order to water the numerous plants that were growing on the first floor. He was not allowed to leave. In November there was a police raid on the house and the appellant managed to escape. He contacted an Albanian man who helped him to go to a solicitor and make an application for asylum which he did.
6. The judge accepted the appellant's account and properly referred herself to the relevant case law, in particular TD and AD (trafficked women) CG [2016] UKUT 00092. She observed that of course the appellant was not a woman and would not be subject to the additional difficulties faced by lone women being returned to Albania. She concluded that he would have no need to live within his previous family home and would be able to support himself and it would be reasonable to expect him to do so. There were good reasons to consider that no persecution would be repeated if he was returned to Albania and there was sufficient protection available to him.

The Grounds of Application

7. Permission to appeal was sought on the grounds that it was not open to the judge to find that internal relocation would be reasonable for the appellant or that there would be a sufficiency of protection to him. She had failed to give adequate reasons why he would not be the subject of interest of the gangs which had trafficked him or his violent father.
8. Permission to appeal was initially refused but subsequently granted by Upper Tribunal Judge Perkins.

The Hearing

9. There was no appearance by the appellant. I am satisfied that he was properly served with notice as were his representatives who had chosen not to appear. There is no reason not to proceed in their absence.
10. Mr Avery submitted that there was no error of law in this decision and the judge was fully entitled to conclude that the appellant would not be at risk on return to Albania. He asked that the decision should stand.
11. I agree with Mr Avery. The judge observed that the appellant had obtained qualifications in the UK and had said at the hearing that many of his friends from college had already found work. He is a single adult male with no known vulnerabilities. He could support himself by finding a job and indeed over time could repay the debts of his father should he choose to do so.
12. The judge properly referred herself to the objective evidence before her, noting that there was freedom of movement within Albania and the appellant could live in any town or city there. She considered whether registering for an ID card would put him at risk of being located by his father or by O but since the appellant has never claimed that either of them were members of a significant gang or that they had convictions with the police there was no real risk of his being re-trafficked. Indeed, there has been no evidence put before the Tribunal to suggest that O has any interest in the appellant whatsoever.
13. Accordingly, the judge was fully entitled to conclude that even though the appellant had originally been a victim of trafficking, there was no real risk to him on return to Albania and he could reasonably relocate to an area away from his family should he choose to do so. There is no error in the decision.

Notice of Decision

14. The original decision of the judge will stand.
15. The appellant's appeal is dismissed.

Direction Regarding Anonymity - Rule 14 of the Tribunal Procedure (Upper Tribunal) Rules 2008

Unless and until a Tribunal or court directs otherwise, the appellant is granted anonymity. No report of these proceedings shall directly or indirectly identify him or any member of their family. This direction applies both to the appellant and to the respondent. Failure to comply with this direction could lead to contempt of court proceedings.

Deborah Taylor

Signed

Date 14 November 2018

Deputy Upper Tribunal Judge Taylor