



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

Appeal Number: PA/02587/2018

THE IMMIGRATION ACTS

**Heard at Field House
On 28 November 2019**

**Decision & Reasons Promulgated
On 13 December 2019**

Before

UPPER TRIBUNAL JUDGE STEPHEN SMITH

Between

**E L
(ANONYMITY DIRECTION MADE)**

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Mr A Kaprata, AG Law Ltd

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

DECISION AND REASONS

1. The appellant is a citizen of Albania, born on 14 April 1994. She appealed against a decision of the respondent dated 7 February 2018 to refuse her claim for asylum and humanitarian protection on the basis that she is a trafficked woman at risk of re-trafficking in Albania.
2. Her appeal was initially heard before a Judge of the First-tier Tribunal sitting at Hatton Cross. In a decision and reasons promulgated on 26 October 2018, the appellant's appeal was dismissed by First-tier Tribunal Judge Hembrough. The matter came before the Upper Tribunal on 1 March 2019 which, in a decision and reasons promulgated by Deputy

Upper Tribunal Judge Zucker on 18 March 2019, found that the First-tier Tribunal's decision involved the making of an error of law and set it aside.

Factual background

3. The Competent Authority had accepted the appellant to be a victim of trafficking. The deputy judge found that the First-tier Tribunal had failed to consider the appellant's risk of re-trafficking at the hands of those the respondent accepted had trafficked her from Albania to other parts of Europe, before her arrival in this country.
4. The deputy judge gave directions that the matter be re-heard in this Tribunal, in order for the issue of risk on return to be re-assessed. He directed that the appellant was to serve whatever evidence she sought to rely on in order to substantiate her claimed risk of being re-trafficked. This she did on 17 September 2019 by the provision of an expert report from a Mr Steve Harvey, an independent law enforcement consultant. It is not necessary to go into that report in detail. It concluded that the appellant would be at real risk of being re-trafficked by those the Secretary of State had already accepted had trafficked her out of the country.
5. In light of Mr Harvey's report, the respondent informed the Tribunal that she was content for the appeal to be allowed. In a letter dated 30 October 2019 the Specialist Appeals Team of the Secretary of State wrote to the Tribunal in these terms:

"Having carefully considered the preserved findings of the FTT - in light of the narrow risks from [X] and the Albanian traffickers that remain outstanding - the appellant's profile, the further expert evidence and the case of TD and AD (trafficked women) CG [2016] UKUT 00092 (IAC), the Secretary of State accepts that the appellant would be at risk from her traffickers should she be returned to Albania. As a consequence of this concession, the Tribunal is respectfully invited to allow the appellant's appeal on asylum grounds."

I was invited by those representing the appellant to allow the appeal.

6. At the brief hearing before me, there was some discussion of whether it would be appropriate for me to allow the appeal without the provision of written reasons pursuant to Rule 40(3) of the Tribunal Procedure (Upper Tribunal) Rules 2008. Although both parties were content for me to allow the appeal without the provision of written reasons, I considered that it was in the interests of justice and of furthering overriding objective of the Tribunal's Procedure Rules, that I provided brief written reasons. This is to enable my decision to function as a stand-alone decision without it having to be read alongside other documents.
7. I accept, as do the parties, that Mr Harvey's report demonstrates that the appellant would be at risk of being re-trafficked upon her return to Albania. I find that the appellant is a person who has a real risk of being persecuted

in Albania on account of her membership of the particular social group of women at risk of re-trafficking.

8. This appeal is allowed on asylum grounds.

Notice of Decision

This appeal is allowed on asylum grounds.

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.

Signed *Stephen H Smith*

Date 11 December 2019

Upper Tribunal Judge Stephen Smith

**TO THE RESPONDENT
FEE AWARD**

No fee was paid and therefore I make no fee award.

Signed *Stephen H Smith*
2019

Date 11 December

Upper Tribunal Judge Stephen Smith