



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

Appeal Number: PA/06970/2019

THE IMMIGRATION ACTS

**Heard at Field House
On 11th December 2019**

**Decision & Reasons Promulgated
On 24th December 2019**

Before

UPPER TRIBUNAL JUDGE MARTIN

Between

**E B
(ANONYMITY DIRECTION MADE)**

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Mr S Harding (instructed by Sentinel Solicitors)

For the Respondent: Mr C Avery (Senior Home Office Presenting Officer)

DECISION AND REASONS

1. This is an appeal to the Upper Tribunal by the Appellant in relation to the Decision of Judge Lucas in the First-tier Tribunal, promulgated on 6th September 2019 after a hearing on 21st August 2019.
2. The judge heard a protection claim by a woman from Albania who had claimed that she had travelled with her husband to Italy using her own passport. In Italy her husband went to work in Milan, and she stayed with a cousin elsewhere in Italy. It is said that she then sought assistance from a stranger who arranged work for her loaned her a significant amount of money which financed her trip to the UK. She says that this person forced

her into prostitution to repay him and that she was kept under locked conditions. This same person sent her to the UK and her forced labour was to continue but she managed to escape from the lorry in which she was travelling.

3. Upon arrival in the UK she was befriended and helped by a Kosovan woman. She has since had a child, the father of whom she has not revealed. She claimed to be at risk on return to Albania from her family and of being trafficked or re-trafficked. She claimed that and that she would not be able to survive as a woman in Albania with an illegitimate child.
4. The judge rejected her claim in its entirety. It is asserted today that the judge erred in basing his findings on plausibility rather than finding her incredible and that in so doing he had expected this Appellant to behave as someone in the UK might. It is argued that rendered the Judge's findings flawed and reliance was placed in that respect on the case of HK [2006] EWCA Civ 1037. Complaint is also made that the judge erred in failing to assess the risk categories that faced this Appellant on return.
5. I do not find that the grounds establish an error of law material or otherwise.
6. The judge's findings occupy a large portion of the Decision and Reasons starting at paragraph 47 and concluding at paragraph 64. The judge noted that there had been an adverse Decision from the National Referral Mechanism, namely that she had not been trafficked. The judge clearly recognised that there was a different standard of proof, because he said so, but nevertheless shared the view of the NRM in finding that she had not been trafficked.
7. At paragraph 49 the judge noted the dearth of evidence in this case, other than the Appellant's own testimony. He noted that there was no evidence that she had been married before she left Albania and travelled to Italy; no evidence that she lived in Italy for the period in question notwithstanding such evidence would have been easily obtainable because she had lived with a relative in Italy. There was no evidence from, either in the written testimony or live testimony, from the complete stranger who supposedly befriended her in the UK. That evidence would have been readily available but was not.
8. The judge specifically said, at paragraph 50, that the evidence was neither plausible nor credible. He rejected the claim stating that, having taken the trouble to travel to Italy with her husband, the two then separated, he to Milan and her to a different part of Italy with a relative. He noted there was no evidence that she had actually lived in Italy at all and again noted the complete absence of any evidence from the cousin. He rejected the Appellant's claim that she was unable to, or not in contact with her cousin. There was no reason why she could not have contacted him.

9. The judge found implausible, as he is entitled to, that having lived with and been supported by a cousin in Italy who was assisting her and could have assisted her to find employment, she apparently went to a complete stranger and got herself heavily into debt. The judge concluded that the purported relationship with this person simply did not happen and on the basis of the evidence I cannot fault that.
10. The judge also did not find it plausible or credible that, if she was being trafficked as described, that she would have been given a mobile phone by the trafficker or that she could have escaped in the way claimed. He found that her trafficker would not have provided her with a mobile phone, which she would then have used for purposes such as calling for help.
11. The fact that she was apparently befriended by a charitable Kosovan woman who took her in and accommodated her without question, the judge also disbelieved in no small part because there was a complete lack of evidence from this woman. She had apparently gone on a pre-booked holiday to Kosovo. Whilst she might have done that there was absolutely no explanation or reason why she could not have provided a witness statement, if she had provided such an amount of support.
12. Despite a claim that the Appellant was suffering from depression and evidence of some medication, there was no other medical evidence before the Tribunal. The judge concluded, on the basis of disbelieving in its entirety what the Appellant was claiming, that there would be no difficulty or lack of assistance for her on return to Albania and dismissed the appeal.
13. The Decision is carefully and fully reasoned, and I can find no material error of law. The appeal to the Upper Tribunal is dismissed.

Notice of Decision

The 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.



Signed
2019

Date 23 December

Upper Tribunal Judge Martin

TO THE RESPONDENT
FEE AWARD

I have dismissed the appeal and therefore there can be no fee award.



Signed
2019

Date 23 December

Upper Tribunal Judge Martin