



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

Appeal Number: PA/05453/2019

THE IMMIGRATION ACTS

Heard at Field House

On 15 November 2019

**Decision & Reasons
Promulgated
On 6 March 2020**

Before

UPPER TRIBUNAL JUDGE PERKINS

Between

**N X
(ANONYMITY DIRECTION MADE)**

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Mr P Anderson, Counsel, instructed by Virgo Solicitors

For the Respondent: Ms S Cunha, Senior Home Office Presenting Officer

DECISION AND REASONS

1. Pursuant to rule 14 of the Tribunal Procedure (Upper Tribunal) Rules 2008 I make an order prohibiting the disclosure or publication of any matter likely to lead members of the public to identify the appellant. Breach of this order can be punished as a contempt of court. I make this order because the appellant is an asylum seeker and so is entitled to privacy.
2. This is an appeal by a citizen of Albania born in July 2000 against a decision of the First-tier Tribunal dismissing his appeal against a decision of the respondent refusing him recognition as a refugee or humanitarian protection or leave to remain on human rights grounds.

3. By way of introduction, it is the appellant's case that he is a victim of trafficking having been sold into slavery with the full connivance of his father to discharge debts. That much is accepted. It is the respondent's case that internal relocation and effective protection are appropriate remedies in this case and the appellant has not shown they are not available to him. Permission to appeal was granted because it was thought arguable that the First-tier Tribunal Judge had misdirected herself when considering the option of internal relocation.
4. The grounds make out a strong prima facie case by concentrating on the precise words of the judge and taking them out of context. The criticism is that the judge "elides questions 2 and 3" set by the Court of Appeal in **SSHD v SC (Jamaica) [2017] EWCA Civ 2112** by saying that the appellant will be safe in Tirana. The judge said at paragraph 63:

"having considered all the evidence in the round, I find the appellant could safely internally relocate to Tirana and therefore, it would not be unduly harsh or unreasonable to expect the appellant to relocate in the circumstances."
5. The grounds point out correctly that at paragraph 33 in **SSHD v JC (Jamaica)** the Senior President, Sir Ernest Rider said:

"the issue of the reasonableness of internal relocation accordingly involves three separate questions:

 1. What is the location to which it is proposed the person could move?
 2. Are there real risks of serious harm or persecution in this place?
 3. If not, is it reasonable or not unduly harsh to expect the person to relocate in this place?"
6. If the judge had elided the questions as alleged then there would clearly be an error of law. Taken in isolation it is not sensible to assert that *because* the appellant could go to Tirana it *follows* that it would not be unduly harsh or unreasonable to expect him to go there.
7. However the judge had considered evidence about conditions in Albania. The judge made findings beginning at paragraph 59 under the heading "Available support network".
8. Clearly this is a case where the appellant could not turn to his family for support. His family were a major part of his problems. The judge recognised this.
9. The judge relied on a report from the ARC Foundation entitled "Albania: trafficked boys and young men". The judge described the report as dealing with the issue of protection "thoroughly" and referred to pages 103 to 126 in the bundle. I have them before me. As the judge explained a Home Office fact-finding report described the Albanian framework for protecting victims of trafficking as "good" but also recognised that there was room for improvement. This includes (at page 103) the claim from a briefing report on Albania by World Vision and ChildPact which confirms that:

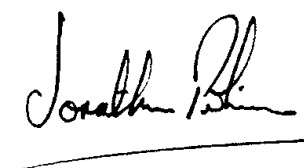
"Trafficking victims repatriated to, or identified in Albania as foreigners, are entitled to all the services provided to Albanian victims identified domestically."

10. The same source referred to the Group of Experts on Action against Trafficking in Human Beings (GRETA) in the bundle (at page 109) which recognises that there are no shelters for male victims of trafficking but an NGO provides counselling, legal advice, medical services, vocational training and assistance with job-seeking and residential flats for victims. Typically the people they helped were between 17 and 20 years old. Eighteen young men had benefitted from that assistance in 2014. Other NGOs were involved in broadly similar services.
11. The judge's use of the word "therefore" followed clear findings that the appellant would be returned to Tirana where support mechanisms existed, including support mechanisms particularly tailored to the needs of young men who had been victims of trafficking. With respect to the Court of Appeal's decision there was no reason for the judge to make an express finding in this case concerning the risk of serious harm in Tirana. The availability of protection was irrelevant unless it was the judge's view that there was such risk. Given that the appellant is on his own and has been appallingly treated by his family it is obvious that he could not turn to them for support and would need help to establish himself in Tirana. I assume that that is what the judge meant because it is extremely likely to be right and it makes sense of the decision.
12. The risk that can be addressed properly by the agencies that are set up by the government of Albania or with the approval and connivance of the government of Albania specifically to help such people.
13. Mr Anderson, who appeared before me but not before the First-tier Tribunal, based his arguments firmly around the grounds and I understand his reasons for doing that. It was a proper approach to take but I am persuaded having looked at the evidence as a whole that would not be fair to the First-tier Tribunal to ignore the context of the infelicitous remark. I am not constructing a statute but deciding if an appeal has been decided lawfully and I am satisfied from reading the decision as a whole that the judge applied her mind to the relevant tests and reached a sustainable conclusion.
14. This is a shocking case. It must be an extraordinarily horrible experience for a young man to be sold into slavery by his father but international protection is not a reward or compensation for horrible experiences but a protection mechanism available to people whose own state has let them down. I am satisfied that the judge was entitled to and did conclude that the Albanian state will provide appropriate protection and therefore I dismiss this appeal.

Notice of Decision

The First-tier Tribunal did not err in law and I dismiss this appeal.

Signed
Jonathan Perkins
Judge of the Upper Tribunal



Dated 5 March 2020

