



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

Appeal Number: IA/00716/2020
[PA/51219/2020]

THE IMMIGRATION ACTS

**Heard at Bradford
On 20 December 2021**

**Decision & Reasons Promulgated
On 26 January 2022**

Before

UPPER TRIBUNAL JUDGE LANE

Between

**RB
(ANONYMITY DIRECTION MADE)**

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Ms Coen, Sentinel Solicitors

For the Respondent:

DECISION AND REASONS

1. The appellant is a female citizen of Albania who was born in 1980. She appealed to the First-tier Tribunal against a decision of the Secretary of State made on 21 August 2020 refusing her claim for international protection. The First-tier Tribunal, in a decision dated 24 May 2021, dismissed her appeal. The appellant now appeals, with permission, to the Upper Tribunal.

2. The appellant entered the United Kingdom in 2015. The parties accept that she is a victim of trafficking. At [17], the judge summarised her claim as follows:

[The appellant] claims to be at risk or persecution on return to Albania from her ex-husband, due to her non-practising of the Muslim faith, her ex-boyfriend due to her role in events leading to his brother's death, and as a victim of trafficking.

3. The judge found that the appellant was not at risk from her ex-husband [18]. He noted that this individual had had 'ample opportunity' to impose his religious views on the appellant and her children but had not done so. The grounds of appeal complain that the judge reached this finding without considering the appellant's answer to Q93 at her asylum interview. Asked about the appellant's relationship with her boyfriend, the appellant had stated '[my husband's] bad behaviour changed as he was scared about my boyfriend...'
4. I find that this ground is not made out. Although the judge does not refer specifically to the appellant's answer to Q93, he states at [14] that he has taken into account 'everything I have heard and considered all the documentary evidence I have been referred to by the parties.' I accept that the judge has considered all the relevant evidence, including the answer to Q93, when determining whether the appellant is a real risk on return from her husband. There was no need for the judge to address in detail each and every item of evidence. The judge found that 'what happened in Albania after [the appellant and her husband's] divorce indicates that the ex-husband poses no risk to the appellant and her children.' That finding is, in my opinion, takes into account all relevant circumstances, including the appellant's claim that the husband may have refrained from harming the appellant because he was afraid of her boyfriend.
5. Secondly, the appellant submits that the judge failed to assess the risk she faces on return from her ex-boyfriend, OO, described in the grounds as an 'extremely violent ... gangster' who the judge accepted may have burned down the appellant's business premises [20]. The judge states that 'I would therefore accept that if the appellant were to return to her home area, [OO] may wish to harm her.' However, at [21] the judge found that shelters for victims of trafficking operate in Albania including outside the appellant's home area of Elsaban. It is implicit in the judge's discussion of the availability of state assistance to victims of trafficking at [21] that the judge finds that it would not be unduly harsh for the appellant to relocate outside her home area. Indeed, later at [25], the judge finds that the appellant's skills, probable access to family support in Albania, the fact that trafficking occurred outside Albania would enable her to live outside her home area. Moreover, the fact that the appellant stated in her asylum interview (Q95) that OO 'had a lot of friends in other parts of Albania' was insufficient to compel the conclusion that OO would become aware that the appellant had returned to a part of Albania other than her home area.

6. Thirdly, the appellant challenges the judge's finding that she would not again be at risk of trafficking. Although the judge directs himself to the country guidance decision of *TD and AD (Trafficked women)* CG [2016] UKUT 92 (IAC), the appellant claims that the judge failed to consider (i) that the appellant had lived 'an independent life' only before she was trafficked and suffered her current mental health problems; (ii) the judge's description of the appellant having been 'duped' once by a trafficker (and therefore unlikely to fall victim to a similar deception again) ignored the effect her mental health problems have had on her confidence and judgment (Ashiana, a specialist organisation which assists female victims of trafficking, consider that '[the appellant] has very little trust in her judgment') and (iv) the finding in *TD and AD* that trafficked women 'are already vulnerable' [112].
7. The judge deals with the risk of re-trafficking at [25]. I find that (i) there is nothing in the judge's analysis to indicate that he not consider the risk in the light of *TD and AD*, guidance which he expressly states he has followed at [22] (ii) Contrary to what is asserted in the grounds, the judge did have regard to the appellant's current mental health issues. Significantly, he states at [25], that he did not 'consider that the appellant's mental health problems would cloud her judgment' as regards falling victim to trafficking again. The question is whether that finding is irrational or plainly contrary to the relevant evidence. In my opinion, it is neither. It is a finding made in full acceptance that the appellant is a vulnerable witness. Notwithstanding the opinion of Ashiana, I am satisfied that the judge took into account that vulnerability when he found that the appellant would not be 'duped' again. The judge has had the opportunity of hearing the appellant and considering her oral testimony in the context of all the evidence. His reasoned and rational assessment of the appellant's ability to adjust to living again in Albania should not be rejected by the Upper Tribunal without good reason. The judge was entitled to place weight on the fact that the appellant had previously been 'duped' only because she had sought to enter the United Kingdom unlawfully; his view that, not only is the appellant unlikely to seek to enter another country unlawfully again but, if she did, she would be unlikely to be deceived by a trafficker in a similar manner as previously notwithstanding her vulnerable mental state, was available to him on the evidence.
8. At [13], the grounds of appeal challenge the judge's finding that the appellant would only be exposed to the stigma suffered by victims of trafficking in Albania if she chose to reveal that she had been trafficked, which she would have no reason to do. The appellant claims that this finding is inconsistent with the judge's view that she could access shelters for victims of trafficking at which, in order to gain admission, she would need to disclose her previous experiences. This ground is also without merit. There is no reason to consider that, on return to Albania, the appellant would be questioned about trafficking by anyone other than the staff of a shelter from whom she might seek assistance and it makes no sense to suggest that such staff would seek to stigmatise the appellant.

9. I consider that the First-tier Tribunal judge reached findings on the evidence which were available to him and which he has supported by cogent and sustainable reasons. He has not erred in law either for the reasons advanced in the grounds of appeal or at all. Accordingly, I dismiss the appeal.

Notice of Decision

This appeal is dismissed.

Signed

Date 2 January 2022

Upper Tribunal Judge Lane

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

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