



**Upper Tribunal
(Immigration and Asylum Chamber)
001221**

Appeal Number: UI-2023-

First Tier Tribunal No: PA/50736/2021

THE IMMIGRATION ACTS

Heard at Field House

**Decision and Reasons
Promulgated**

On 22 September 2023

5th October 2023

Before

Deputy Upper Tribunal Judge MANUELL

Between

**MR EDUART DUNGA
(ANONYMITY DIRECTION MADE)**

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Mr A Eaton, Counsel

(instructed by Fadiga & Co, Solicitors)

For the Respondent: Mr N Wain, Senior Home Office Presenting Officer

DECISION AND REASONS

1. Limited permission to appeal was granted by Upper Tribunal Judge Keith on 18 August 2023 against the decision to dismiss the Appellant's protection appeal made by First-tier Tribunal Judge Hamilton in a decision and reasons promulgated on 7 December 2022. (Permission to

appeal had previously been refused by First-tier Tribunal Judge S Afzal on 18 January 2023.)

2. The Appellant, a national of Albania born on 15 September 2000, had applied for asylum on 4 March 2018. The application was refused by the Secretary of State for the Home Department on 16 July 2019 and was dismissed on appeal. The Upper Tribunal found a material error of law and it was directed that the appeal should be reheard. Hence the appeal came before Judge Hamilton.
3. The Appellant said in summary that his father had gone to Belgium to work in 2017 in order to pay off a debt. The Appellant and his mother joined the father in Belgium in February 2018. The Appellant was forced to work to help pay off his father's debt. He was made to beg on the streets. The Appellant left Belgium in March 2018 and entered the United Kingdom clandestinely soon after. Following judicial review proceedings, the NRM recognised the Appellant as a victim of trafficking, in the form of "forced criminality in Belgium for two weeks in February/March 2018". The Respondent refused the Appellant's renewed application for asylum on 3 February 2021.
4. Judge Hamilton examined the Appellant's fears in detail and found in summary that the Appellant could return to Albania safely and resume his private life there without encountering very significant obstacles. The judge was not satisfied that the Appellant faced any particular problems in Albania. His mental health issues could be managed. He was not at risk from the original traffickers, who were not part of a large organised criminal network. A sufficiency of protection was available from the Albanian authorities. The Appellant could if necessary relocate to Tirana, another urban area of Albania or somewhere other than his home area. There were no exceptional circumstances and there was no Article 8 ECHR disproportionality, within or outside the Immigration Rules. Hence the appeal was dismissed.
5. Permission to appeal on the grounds that Judge Hamilton's decision was irrational was firmly refused by UTJ Keith. Permission to appeal was, however, granted on the limited grounds that it was considered arguable that the judge had failed sufficiently (a) to resolve the risk of re-trafficking from other traffickers and (b) to take into account that the Appellant's home area Kamez was a suburb of Tirana when considering the viability of internal relocation, given

that relocation to Tirana was said by the judge to be viable.

6. Mr Eaton for the Appellant relied on the limited grounds of appeal and the limited grant of permission to appeal and submitted that the judge had failed to engage with the expert evidence from Dr Antonia Young. The expert had given cogent reasons why the Appellant would be at risk of re-trafficking yet the judge had barely referred to the report. Had he done so his conclusions would have had to have been different.
7. The judge had also erred when considering relocation within Albania. BF (Tirana - gay men) CG [2019] UKUT 00093 (IAC) was not a suitable case from which draw an analogy. TD and AD Albania (Trafficked women) CG [2016] UKUT 00092 (IAC) was the correct authority, explaining about the level of corruption in the police. Kamez was within the Municipality of Tirana, which the judge had not appreciated. That made location to Tirana of no value in avoiding traffickers. The judge's determination was unsafe and should be set aside. The error of law appeal should be allowed.
8. Mr Wain for the Respondent submitted that sufficient and sustainable findings had been reached and explained. The onwards appeal should be dismissed.
9. There was nothing which Mr Eaton wished to raise by way of reply.
10. The tribunal finds that there was no error of law in Judge Hamilton's decision, so that the onwards appeal must be dismissed. It is plain from the comprehensive determination that the experienced judge examined each component of the evidence with anxious scrutiny, testing his conclusions at each stage and considering alternative possibilities. His approach to credibility was generous and applied anxious scrutiny.
11. It has to be said that once irrationality was correctly eliminated from the challenge, it was difficult to see what of any substance was left in the appeal beyond mere disagreement with the judge. The judge cited and applied all relevant authorities, including BF (above). Contrary to Mr Eaton's submission, the judge engaged closely with the expert's report of Dr Antonia Young: see, e.g., [20], [57], [59] and [62] of the determination. The judge explained where, why and how he differed from Dr Young's opinion. The judge gave proper reasons for finding that the Appellant was not at real risk of re-trafficking from any

home source.

12. It is not easy to see why it was submitted in the grounds of appeal that Judge Hamilton was somehow unaware that Kamez was within the Municipality of Tirana. That geography is simply fact. It is obvious that as an experienced specialist judge he would be well aware that Albania is a small country and that the effectiveness of relocation had to be considered within that context. Moreover and in any event, the judge did not limit reasonable relocation to Tirana, as was incorrectly asserted. His careful words were “if he relocated to Tirana, another urban area of Albania or somewhere other than his home area.” [64] In short, the Appellant had a choice of effective relocation places.
13. In the tribunal’s judgment the First-tier Tribunal Judge reached sustainable findings, in the course of a thorough determination, which securely resolved the issues.

DECISION

The appeal to the Upper Tribunal is dismissed.

There was no material error of law in the First-tier Tribunal’s decision and reasons, which stands unchanged.

Signed R J Manuell Dated 3 October 2023

Deputy Upper Tribunal Judge Manuell