



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

Appeal Number: PA004832017

**THE IMMIGRATION ACTS**

**Heard at Field House  
On 16 May 2017**

**Decision & Reasons  
Promulgated  
On 30 May 2017**

**Before**

**DEPUTY UPPER TRIBUNAL JUDGE FROMM**

**Between**

**RENADA SHABANAJ  
(ANONYMITY DIRECTION NOT MADE)**

Appellant

**and**

**THE SECRETARY OF STATE FOR THE HOME DEPARTMENT**

Respondent

**Representation:**

For the Appellant: Mr M Saleem, Malik & Malik Solicitors

For the Respondent: Mr S Staunton, Home Office Presenting Officer

**DECISION AND REASONS ON ERROR OF LAW**

1. This is an appeal by Ms Renada Shabanaj, who is a citizen of Albania born on 12 January 1990. She arrived in the UK on 14 December 2012 but did not claim asylum until 28 May 2013. She claimed to have been a victim of trafficking for prostitution and to be at risk of re-trafficking.

2. The respondent referred her to the National Referral Mechanism and, on 19 December 2016, the competent authority issued a conclusive decision that there were insufficient grounds to believe the appellant was a victim of modern slavery. On 8 January 2017, the respondent refused the appellant's asylum application.
3. The appellant appealed on protection grounds. She also maintained that removing her would breach Article 8 of the Human Rights Convention because she would face significant obstacles to reintegrating into life in her home country. She has a child born in the UK on 7 February 2016 whom, she claims, is illegitimate.
4. The appellant's appeal was heard by the First-tier Tribunal on 16 February 2017 at the Taylor House hearing centre. The appeal was dismissed for reasons set out in a decision promulgated on 10 March 2017 in which the judge made an adverse credibility finding. She did not accept the appellant's account of having been forced into prostitution by a person called Niki and she found the appellant was not vulnerable or at risk of re-trafficking on return to Albania. She found there was no evidence the appellant would lack family support.
5. Permission to appeal the decision of the First-tier Tribunal was sought on a single ground which was that the Tribunal had overlooked background evidence and country guidance which showed that being the unmarried mother of an illegitimate child would lead to very significant obstacles to the appellant reintegrating in Albania. Indeed, it was a risk factor to be considered with respect to re-trafficking.
6. Permission to appeal was granted by the First-tier Tribunal on the ground that the Tribunal may have erred in overlooking material evidence.
7. A Rule 24 response has been filed opposing the appeal.
8. I heard submissions from the representatives on the question of whether the decision of the First-tier Tribunal is vitiated by material error of law. Mr Saleem, for the appellant, argued that the decision was erroneous, expanding on the grounds seeking permission to appeal. He said the focus needed to be on the fact the appellant would be returning to Albania with an illegitimate child. There was objective evidence and country guidance which had not been considered although he had to accept that the case law refers to trafficked women and the risk of re-trafficking whereas the primary finding of the judge in this case was that the appellant was not trafficked.
9. For the respondent, Mr Staunton argued there was no material error of law in the decision. The judge gave sufficient reasons and applied case law.
10. Mr Saleem made no further submissions in reply.
11. Having carefully read the decision and considered the submissions made to me, I have concluded that the decision of the First-tier Tribunal does not

contain a material error of law and shall stand. The appellant's appeal is dismissed. My reasons are as follows.

12. In this decision the judge directed herself correctly in law as to the burden and standard of proof. She set out the evidence in detail and analysed it closely so as to arrive at her conclusions on the credibility challenge mounted by the respondent. In my judgment, she was entitled to make an adverse credibility finding for the reasons she gave.
13. It is important to note that, in reasoning as she did, the judge took account of the country guidance cases (see paragraphs 54, 60, 66, 84 and 89 of the decision). The judge also set out the submissions made to her on this point (see paragraphs 58 to 62). It is unarguable therefore that the judge did not have the guidance at the forefront of her mind. Nor can it sensibly be argued the judge did not take account of the fact the appellant was an unmarried mother of an illegitimate child. She set this out at paragraph 84. However, this finding does not lead ineluctably to the decision that an appellant is entitled to protection under the Conventions.
14. The consequence of the overall adverse credibility finding made by the judge was that, logically, she did not accept anything the appellant had told her about her circumstances in Albania or why she had left her country. That is why, at paragraph 89, she stated that there was no evidence to show the appellant would lack family support.
15. In my judgment, the judge was entitled to draw that inference and it follows that, notwithstanding the fact that the background evidence shows that Albanian families, particularly those from the North, can hold conservative attitudes, that does not inevitably mean that a person with the appellant's profile will be at risk or even that she would find there are very significant obstacles to integration. I note in passing that the judge referred to the background evidence in paragraph 61 of her decision. I am not persuaded she failed to make her findings in that context. The judge was entitled to reach the decision she reached.
16. In conclusion, it is factually wrong to argue the judge overlooked material evidence. She was plainly aware that the appellant would be returning with a child born out of wedlock. The judge gave sufficient reasons as to why that fact did not entitle the appellant to succeed under either Convention.

### **Notice of Decision**

The decision of the First-tier Tribunal does not contain a material error of law and the appellant's appeal is dismissed.

The First-tier Tribunal did not make an anonymity direction and I see no reason to make one.

Signed

Date 16 May 2017

Deputy Upper Tribunal Judge Froom

**TO THE RESPONDENT**  
**FEE AWARD**

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

Signed

Date 16 May 2017

Deputy Upper Tribunal Judge Froom