



**Upper Tribunal  
(Immigration  
Chamber)**

**and**

**Asylum**

Appeal Number: PA/02491/2019

**THE IMMIGRATION ACTS**

**Heard at Field House  
On 10 February 2022**

**Decision & Reasons  
Promulgated  
On 21 April 2022**

**Before**

**UPPER TRIBUNAL JUDGE BLUNDELL**

**Between**

**MM (ALBANIA)  
(ANONYMITY DIRECTION MADE)**

Appellant

**and**

**SECRETARY OF STATE FOR THE HOME DEPARTMENT**

Respondent

**Representation:**

For the Appellant: Mr A Stedman, instructed by Axis Solicitors

For the Respondent: Mr T Melvin, Senior Presenting Officer

**DECISION AND REASONS**

**Pursuant to rule 14 of the Tribunal Procedure (Upper Tribunal) Rules 2008, the appellant is granted anonymity. No-one shall publish or reveal any information, including the name or address of the appellant, likely to lead members of the public to identify the appellant without her express consent. Failure to comply with this order could amount to a contempt of court. This order is made because the appellant is an asylum seeker.**

1. The appellant is an Albanian national who was born on 1992. On 25 March 2021, I issued my first decision in her appeal. With the agreement of the parties, I held that the First-tier Tribunal ("FtT") had erred in law and that its dismissal of the appellant's appeal fell to be

set aside in part. I preserved certain findings in the FtT's decision and ordered that the decision on the appeal would be remade in the Upper Tribunal.

2. The resumed hearing came before me on 10 February 2022. I heard oral evidence from the appellant and submissions from both advocates, after which I reserved my decision. It is a matter of regret that I was not able to finalise this decision any sooner.

### **Background**

3. In my first decision, I set out the relevant background, including the findings of the FtT in the following way:

[3] The appellant claims to be at risk from her family, her husband and their associates upon return to Albania. The appellant is a Catholic and the risk is said to stem from her relationship with a Muslim man named ZM. Her father disapproved of the relationship and threatened the appellant. She and ZM eloped to Greece in 2015 but the relationship changed when they were in Greece. ZM drank and gambled. He was domestically violent towards the appellant. He borrowed money to fund his addictions and those from whom he had borrowed money issued threats against the appellant. The appellant fled from Greece and came to the UK, whereupon she gave birth to ZM's child, SM, on 3 March 2018.

[4] The respondent accepted the appellant's identity and nationality but rejected the substance of her claim. She also considered that the appellant could receive adequate protection from the Albanian authorities and that she and her child could relocate safely and reasonably within Albania.

[5] The appellant's appeal was dismissed by the judge for reasons which may be summarised quite shortly. He accepted that the appellant's claim engaged the Refugee Convention on grounds of religion but not on the basis that she was a member of a Particular Social Group: [30]-[36]. He accepted the appellant's account of events in Albania, Greece and the UK (in relation to SM's parentage): [37]-[52]. The judge did not accept that there was any risk in Albania from ZM, however, who 'remains in Greece as far as the appellant is aware': [53]. Nor did he consider there to be any continuing risk from ZM's associates or his family: [54]-[55]. For reasons he then gave at [56]-[59], the judge did not accept that the appellant was at risk from her family. Although he accepted that she felt a genuine subjective fear of harm at the hands of her own family, he did not accept that her father had any intention to harm her. He considered that the evidence suggested, instead, that he had disowned the appellant. The judge concluded by finding that the appellant would not be at risk as a victim of domestic violence with a child, [60]-[62], and that her removal would not be in breach of Article 8 ECHR: [63]-[79].

4. It was accepted by the Secretary of State that the FtT had fallen into error in dismissing the appeal for these reasons. The Senior Presenting Officer who appeared for the respondent at the first hearing in the Upper Tribunal accepted that the appellant would be at risk in her home area, given what had been accepted by the FtT about her past treatment at the hands of her father. She also accepted that the judge had overlooked various matters (not least of which was paragraph 339K of the Immigration Rules) in concluding that the appellant would not be at risk from ZM. At [9] of my first decision, I recorded my agreement with each of these concessions. At [10] of that decision, I said this about the findings which were to be preserved from the decision of the FtT:

[10] The advocates also agreed that certain findings for and against the appellant should be preserved. It was agreed that the positive findings of primary fact to which I have already referred should be preserved, including the finding that the appellant has a subjective fear of ZM. Ms Cunha also accepted that the finding that the Refugee Convention is engaged on grounds of religion should be preserved. For her part, Ms Sanders accepted that the judge's adverse findings about the expert report had not been challenged in the grounds of appeal and that there was also no direct or inferred challenge to the judge's conclusion that the appellant would not be at risk from ZM's associates.

### **The Resumed Hearing**

5. In preparation for the resumed hearing, the appellant's solicitors had filed and served a supplementary bundle of 74 pages. Despite that title, Mr Stedman helpfully confirmed that it was the only bundle to which he would ask me to refer. Skeleton arguments had also been filed and served by both advocates.
6. There was some delay in the appeal commencing before me. When I first came into the hearing room, the appellant was absent. I was told by Mr Stedman that she had brought her infant son with her and that there was no one else who could look after him. She was in a state of extreme distress and she had told Mr Stedman that she did not wish to give evidence.
7. I discussed this with the advocates. I asked Mr Stedman to note that there was, at the very least, an outstanding question about the paternity of the appellant's second son and that it was clear from [16]-[17] of the respondent's skeleton that Mr Melvin intended to submit that this man might be able to return to Albania with the appellant and provide some degree of protection or support. In the event that the appellant did not give evidence, after she had been deemed fit to do so by her own expert witness (Dr Singh), it was important that she understood that I might be asked to draw an adverse inference.
8. Mr Stedman indicated that he was grateful for that indication and he sought further time in which to consider the position with the appellant in conference. I indicated to Mr Stedman, without objection on the part

of Mr Melvin, that the appellant would be treated as a vulnerable witness in the event that she chose to give evidence.

9. A few minutes later, I was informed that Mr Stedman had returned to the hearing room with the appellant and that they were ready to proceed. It was nevertheless apparent to me that the appellant was in an extremely agitated state. She had her infant son with her in the hearing room and was rocking the push chair incessantly despite the fact that the child was asleep. I reassured the appellant as best as I was able and explained to her that she would be treated as a vulnerable witness. I said that she could take a break at any time she wished and that she would be able to hold her child if she preferred to do so. She confirmed that she was ready to give evidence and that she understood the court-appointed Albanian interpreter.
10. I then heard oral evidence from the appellant, who adopted her August 2019 and February 2022 statements and was tendered for cross-examination. Although she initially refused to answer any questions about her family circumstances, stating that she had dealt with such matters in her statements, she was able to compose herself and she answered all of Mr Melvin's questions without any further incident.
11. I do not propose to rehearse the appellant's oral evidence in this decision. It was digitally recorded and there is a verbatim written record of it retained on the Tribunal's file. I will refer to what she said insofar as it is necessary to do so in order to explain my findings of fact.

### **Submissions**

12. Mr Melvin relied on the letter of refusal and his skeleton argument. He noted that findings had been preserved from the FtT's decision. He also noted that the appellant was to be treated as a vulnerable witness on account of her mixed anxiety and depression, although there was nothing to show that she had been taking medication since her pregnancy.
13. It was not accepted by the respondent that the appellant had no contact with her family. The appellant thought that her father may have forgiven her for the birth of her first child but it was not clear how she would know that if there had been no contact. The same point was made in respect of the assertion in the appellant's first statement that her brothers would have been celebrating the end of their exams. The appellant's sister in Greece was said to have given her 8000 euros in order that she could flee to the UK and it was implausible that the appellant would not at least have let her know that she had arrived. It was more likely than not, in Mr Melvin's submission, that the appellant had some contact with her family and that they would be able to provide some support for her on return.
14. The appellant had flatly denied having any contact with her ex-husband's family. They were said to be criminals but there was no evidence of that. He would either be in Greece or in the UK and he would probably 'make an appearance' in the event that the appellant

was successful in her asylum claim. The appellant had not had any contact with him since 2017 and there was no reason to think that he continued to represent any sort of threat to her now.

15. The appellant's home area was 100 miles or so from Tirana. She had lived in the capital before and would be familiar with it. The background evidence showed that she would have shelter and there would be funding from the UK authorities to the tune of £1500. She was educated to university level and had worked. Childcare would be provided for her and her four year old child could continue in education. The appellant would be entitled to receive benefits on return.
16. The appellant had made claims that she would end her life and leave her children orphaned in the event that she was required to return. The medical evidence did not support those claims. Her two visits to Accident & Emergency in January were based more on her concerns surrounding her finances.
17. Ultimately, the Albanian authorities would be prepared to offer a sufficiency of protection to the appellant and it was reasonable to expect her to return to Tirana with her two children. Medication was available there and relocation would not be unduly harsh.
18. The appellant's claim under paragraph 276ADE(1)(vi) of the Immigration Rules was inextricably linked with the determination of her protection claim. There was no concrete evidence of the paternity of the appellant's second child and it was more likely than not that this man was an Albanian national without status in the UK. The Tribunal should reject the appellant's evidence that she had conversed with him in English, and her evidence that she was not aware of his immigration status.
19. Mr Stedman began his submissions by reminding me that the appellant had been found substantially credible by the FtT. Those findings should inform the assessment which remained. The necessary starting point was that she was at risk in her home area and that she also had a subjective fear of her ex-partner. The Refugee Convention had been found to be engaged.
20. A number of submissions had been made by Mr Melvin about aspects of the appellant's evidence which should be rejected. In Mr Stedman's submission, each of these submissions was based on nothing but speculation and assumption. It was not clear why the appellant - who had told the truth about her past experiences - would even wish to be in contact with her family.
21. The real issue was internal relocation to Tirana. I was invited to consider the appellant's circumstances very carefully. It was evident that she had mental health problems which were rooted in the treatment she had experienced in the past. She had never sought to overstate those difficulties, as had been noted by Dr Singh. It was sensible and reasonable to think that those difficulties would have increased with time, as was evident from the appellant's reluctance to give evidence and her behaviour in the hearing room.

22. Mr Stedman submitted that it was instructive to consider what had been said in TD & AD (trafficked women) CG [2016] UKUT 92 (IAC). There was clearly a void between what the Albanian authorities wanted to provide and what they were able to provide. It was not an accurate account of the situation to say that there was a blanket sufficiency of protection for individuals in the appellant's situation; a more nuanced assessment was required. Police corruption and domestic violence were still very real problems, as was clear from the background material.
23. I asked Mr Stedman whether the protection available for victims of domestic violence was similar to the protection available for victims of trafficking. He was unable to say and admitted that he had not thought about the point. There was very specific provision for victims of trafficking but this was probably a domestic case of the type which would ordinarily be referred back to the family, as considered in [67] and [91] of TD & AD. There were clearly shelters for victims of domestic violence but they were difficult to access and had a shortage of places. As a single female with children from two different fathers, the appellant would be in a very difficult situation.
24. The respondent had made a submission about the paternity of the appellant's second child which had no basis other than speculation. The reality was that the children were very young and the real question was whether the appellant would be able to access the necessary services after suffering so much abuse. Would she be able to access a temporary shelter whilst supporting herself and her children? It was clear that she would be hindered in that regard by her subjective fear of her husband. There was no separate Article 3 ECHR claim but there were self-evident mental health concerns, as demonstrated by the report of Dr Singh. The appellant had expressed extreme views (regarding suicide) at the hearing and it was accepted that these had not been expressed previously. It was clear that she was suffering emotionally, however, and these statements were to be seen in context. Depression is an ongoing condition and the appellant continued to take regular prescribed medication for it. She had reported depression in 2019 and the expert report did not stand alone. The appellant had really struggled with her mental health and those struggles were attributable to the trauma she had suffered in Albania and Greece.
25. In the alternative to the appellant's protection claim, Mr Stedman submitted that there would be very significant obstacles to her re-integration to Albania for all the same reasons advanced in the protection claim. It was accepted that there was a high threshold in this regard but the alternative claim was nevertheless pursued. There was no Article 8 ECHR submission outside the Immigration Rules.
26. I reserved my decision after hearing submissions.

### **Analysis**

27. The appellant was found to be a credible witness by the FtT. I reached the same view myself and was unpersuaded by Mr Melvin's submissions that I should disbelieve the appellant on certain matters

which had not already been found truthful, to the lower standard, by the FtT.

28. I did not share Mr Melvin's scepticism about the appellant's assertion that she has no contact with her family. It was accepted by the FtT that she had a genuine subjective fear of her father, who threatened to kill her after she eloped with ZM and became pregnant with his child. Her evidence was that her father would not forgive a second such transgression even if his views had softened in respect of her earlier actions. The appellant gave no indication in her oral evidence that this speculation was borne out of any contact with her family; she was merely surmising that her father's reaction to a second illegitimate child would be even more severe than his reaction to the first.
29. Nor, in view of what has happened to this appellant, was I surprised by her failure to contact her sister in Greece, who provided 8000 Euros in order to fund the appellant's journey to the UK. Given the appellant's vulnerability and her obvious desire to leave her past life behind her, I consider it reasonably likely that she did not seek to make contact with her family after her arrival in the UK. I make the same finding in respect of the appellant's lack of contact with ZM; she is plainly in fear of him and there is every reason to think that she would not have made contact with him.
30. I was entirely satisfied by the appellant's evidence of the paternity of her second child. The FtT accepted that ZM was the father of the first child and found that his being named on the birth certificate did not undermine her claim to be in fear of him. Mr Melvin understandably made the point in his skeleton argument that the appellant's statement was light on detail when it came to her relationship with the father of the second child. He asked a number of questions about this in cross-examination. The appellant stated that the father was a man called BG. She did not know his nationality and she had spoken with him in English. She tried not to socialise with Albanian nationals as she felt judged by them. He used to visit her at the accommodation she was given whilst her daughter was in kindergarten. He had not accompanied her to hospital when she was pregnant; she had not even told him when she fell pregnant. He told her that he was in work and this had led her to assume that he had status in the UK. The relationship had only lasted for a month and the appellant had last seen him in February (2021). She had taken some comfort from his presence but she was clear that she was not ready to 'start a new life' with him. It was she who had broken up with him because she realised that her psychological state was not such that she should continue in the relationship. She had also become concerned about the impact upon her daughter of another relationship, particularly if it did not last.
31. The appellant answered questions about her brief relationship with BG in a straightforward manner and her answers about the reasons why the relationship came to an end had the ring of truth. As Dr Singh noted, the appellant clearly has a degree of insight into her vulnerability and a protective instinct in respect of her daughter. I considered it reasonably likely that she had a brief relationship with this man but that she has not seen him for more than a year after she

decided to bring an end to the relationship for her own good and that of her daughter. I accept her evidence that he attended no pre-natal appointments and that he has never had a parental relationship with either of the children.

32. I did not draw any adverse inferences from the appellant's claim in oral evidence that she would rather kill herself and leave her orphaned children in the UK than return to Albania as a single-parent family. Quite aside from the report of Dr Singh (to which I will turn in due course), the appellant's presentation throughout the morning of the hearing was one of extreme distress. She initially refused to give evidence at all. She was then persuaded that it might be in her interests to answer points of concern but she was very agitated indeed throughout her evidence. She rocked her pushchair vigorously despite the child inside being asleep and she stood up and paced around the hearing room on occasion. Mr Melvin was correct to note that there has been no mention of suicidal ideation in the past but I do not take her threats to be an attempt to persuade me that I must allow her appeal. Those threats were, instead, a reflection of the appellant's acute vulnerability at the hearing. The FtT accepted that she has a genuine subjective fear of returning to Albania and that was also apparent at the hearing before me.
33. I therefore accept on the lower standard that the appellant has had no contact with her family or with ZM since she came to the UK. Similarly, I accept that she has had no contact with BG since February 2021. I find that she will not have a family support network upon return to Albania. In view of what has befallen her in the past, I conclude that she would be terrified to attempt to make contact with her family as to do so would expose her to a risk from her father, who is clearly enraged at her elopement with a Muslim man.
34. Having made those findings of fact, and having considered the findings previously made by the FtT, I turn to assess the appellant's circumstances upon return to Albania. It is clear that she cannot return to her home area of Velipoje, which is about a hundred kilometres north of Tirana, on the Montenegrin border. There is a real risk that she and her children would come to harm at the hands of her father in the event that she returned there.
35. As Mr Stedman submitted at [7] of his skeleton argument, therefore, the real issue in this case is whether the appellant can relocate to Tirana in safety and without encountering conditions which are unduly harsh.
36. As to the first part of that assessment, Mr Stedman submitted in writing, at [9]-[12] of his skeleton argument, that the appellant would be at risk in another part of Albania. The submission is largely unparticularised in the skeleton and was not developed to any significant extent orally.
37. At first blush, there is much to commend the analysis of the FtT and to think that neither the appellant's father nor ZM would know of the appellant's return to Albania. So to conclude would be to overlook the nature of Albanian society, however. It has been clear since AM & BM



(Albania) CG [2010] UKUT 80 (IAC) that Albania is a small country, geographically and in terms of population, in which “there would be an attempt by those with whom the victims came into contact, either officially, starting with the border police or when they attempted to find work or merely acquaintances whom they would meet, to place them within their family context and to endeavour to find mutual acquaintances.”

38. I consider there to be at least a reasonable degree of likelihood that the appellant’s return to Albania would be discovered by her father or by ZM as a result of this societal desire to place an individual in their family context and to find mutual acquaintances. The appellant’s father has a clear desire to harm her on account of her conduct. He said that he intended to kill her and there is no reason to think that this threat has subsided, given the intensity of traditional Albanian reactions to matters of family ‘honour’.
39. In the event that he has returned to Albania from Greece, ZM may also seek to harm the appellant as he has in the past. ZM may also seek custody of the appellant’s first child, as he is entitled to do according to the Country Information and Policy note which was cited at [9](e) of the grounds of appeal to the Upper Tribunal. It is therefore necessary to consider whether the appellant would receive a sufficiency of protection upon return to Tirana, that being the focus of both advocate’s submissions about the feasibility of internal relocation.
40. I derive limited assistance from the country guidance cases on victims of trafficking: AM & BM and TD & AD. The appellant is not a victim of trafficking and has never suggested that she was. She eloped to Greece with ZM of her own free will and there is no suggestion that she was hoodwinked into going to that country so that (for example) she could work for him, whether in the sex trade or otherwise. His health and their relationship deteriorated and she was concerned about the actions of people he associated with as a result of his drinking and gambling. Neither the appellant nor the British authorities would be able legitimately to suggest to the Albanian authorities that she is a victim of trafficking who should benefit from the specific range of protections considered most recently in TD & AD.
41. The extant and applicable country guidance is therefore DM (sufficiency of protection – PSG – women – domestic violence) Albania CG [2004] UKIAT 59, as cited by the respondent at [56] of the letter of refusal. That appeal was determined by a panel of the Immigration Appeal Tribunal comprising a Vice President and a lay person more than eighteen years ago, on 1 April 2004. There is no judicial headnote. The IAT held that women in Albania did not comprise a Particular Social Group for the purposes of the Refugee Convention<sup>1</sup> and that there was in general a sufficiency of protection for those who feared domestic violence.

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<sup>1</sup> I should note that this holding has no bearing on the appeal before me, in which it was found by the FtT that the appellant fears persecution on religious grounds. It was accepted by the respondent at the first Upper Tribunal hearing that that finding should be preserved.

42. The conclusions of the IAT were based in large part on the avenues for legal redress which might be available to a victim of domestic violence. In considering the appellant's relocation to Tirana, however, my focus must firstly be on whether she and her children would be safe there from the risk presented by her father and potentially by ZM, in the likely event that one or both came to know that she was in the capital. In order to ensure their safety, they will need to be accommodated securely; were they to attempt to live in the community, there is a reasonable degree of likelihood that they would be exposed to risk, primarily from the appellant's father.
43. In considering the availability of shelters, I have considered the background material cited at [63] - [85] of the refusal letter. I have also considered the background report from which those passages were taken: *Albania: Domestic abuse and violence against women*, version 3.0, December 2018 (this is the current version of the report). I do not propose to set out tracts of the report in this decision. It is quite apparent that Albania has made significant strides both legally and in practical terms in providing for victims of trafficking *and* victims of domestic violence. I note, in particular, that the law now provides for victims of domestic violence to apply to the courts for a protection order, which is the gateway to accessing a range of protections including emergency accommodation. I also note that there are shelters provided by the government and by NGOs.
44. Notwithstanding the progress made by Albania in these respects, I find there to be a reasonable likelihood that this particular appellant<sup>2</sup> would not receive the protection that she and her children require upon return to Albania. I reach that conclusion for two reasons.
45. My first concern arises from a passage of the 2018 CPIN which was omitted from the refusal letter: paragraph 6.1.6. That paragraph cites a report from the Group of Experts on Action against Violence against Women and Domestic Violence ("GREVIO"), which is the independent expert body responsible for monitoring the implementation of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention). In its 'Baseline Evaluation Report' of 24 November 2017, GREVIO expressed concern about the fact that admission into a shelter depended on meeting eligibility criteria which, in practice, meant that only those with the benefit of a protection order would be able to access a shelter. This stipulation, which is entirely understandable in the generality of cases, places this particular appellant at two specific disadvantages.
46. The first disadvantage is that the appellant would be bound to rely on events which are partly historical and partly foreign when she made her application for a protection order. She left the family home in December 2014 and has not spoken to her father since then. She experienced domestic violence in Greece but not subsequently. I have found that there is a real risk of harm were the appellant to return to Velipoje but there must, in my judgment, be a real risk of an Albanian court finding otherwise in light of the passage of time.

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<sup>2</sup> Bagdanavicius v SSHD [2003] EWCA Civ 1605; [2004] 1 WLR 1207, at [55](6), per Auld LJ

47. The second disadvantage is that the appellant is in no position to advocate for herself and her children, and I very much doubt whether she would even seek to avail herself of the protection of the courts. It is clear from Dr Singh's report, just as it was from the appellant's appearance before me, that she is seriously distressed and that she has a tendency to refuse to answer questions when she is asked to revisit the most troubling aspects of her past. She was unable to tell Dr Singh about the domestic violence she suffered at the hands of her husband, or to elaborate on the attempt she had made on her own life in Greece: [6.26] and [8.6] refer. She has suffered from depression, anxiety and panic attacks since her arrival in the UK, and I reject the implied suggestion in Mr Melvin's skeleton argument that the appellant is malingering in these respects. Dr Singh's report and its recitation of the appellant's NHS medical records clearly support the opposite conclusion. She was able to give evidence before me but the onus would be on her on return to Albania to seek out the protection she and her children would require. Considering the psychiatric problems she continues to experience and her tendency to 'clam up' when asked to relive the experiences she has been through in the past, I consider it reasonably likely that the appellant would not take the steps necessary to obtain a Protection Order and to access the shelters which are available in Albania.
48. The second concern which emerges from the CPIN concerns the capacity of the shelters. In this respect, I acknowledge that there are sections of the report in which it is stated that the combination of government and NGO shelters is adequate to meet the current demands of victims of domestic violence: paragraph 6.1.5, for example. The GREVIO report of November 2017 stated, however, that there were a total of 153 beds for victims of domestic violence and their children, which was 137 beds short of the required number. That is a significant shortfall, and there is a reasonable likelihood that the appellant would not be able to receive accommodation in a shelter, even if she was able to bring herself to seek the protection of the authorities notwithstanding her mental health problems.
49. In the circumstances, I consider there to be a real risk that the appellant and her children would be unable or unwilling to avail themselves of the protection which the Albanian state is increasingly offering to victims of domestic violence. The appellant would therefore find herself in Tirana without state protection. There is a real risk that she would be traced by her father as a result of the proximity of her home village and the tendency of Albanian society to 'endeavour to find mutual acquaintances'. There is a real risk that she and the children would be exposed to serious violence at the hands of her father at that point. I therefore conclude that this particular appellant would not receive a sufficiency of protection in Tirana, notwithstanding the general sufficiency of protection which was found to exist in DM (Albania).
50. Had I reached the opposite conclusion in that respect, I would nevertheless have found that the appellant's relocation to Tirana would be unduly harsh. I reach that conclusion because there is a real risk that she and the children would not access a shelter, promptly or at all,

and would not be able to live a relatively normal life in Tirana when judged against local standards. Mr Melvin relied on the possibility of the appellant receiving funds from the UK government upon repatriation but those funds would soon be exhausted, given the appellant's two young children.

51. The appellant would be required either to work or to engage with the Albanian state so as to avail herself of social assistance for single woman and victims of domestic violence. In the latter respect, I reiterate the concerns I have about her ability to engage with the authorities and to provide a proper account of her circumstances. In the former respect, I note Mr Melvin's submission that the appellant has some experience of work in the past and that she progressed to the second year of a university degree. To make that submission is to overlook the subsequent events, however. The appellant is not a young woman with recent work experience and a partially completed degree; she is a young woman who has suffered appalling violence at the hands of her husband and who continues to suffer debilitating mental health problems as a result of her past treatment and her fear of return to Albania. I do not consider that she would be able to avail herself of the facilities provided by the state or to fend for herself whilst at the same time providing for her two young children.
52. In light of this appellant's particular circumstances, therefore, I conclude that she is unable or unwilling to avail herself of the protection of the Albanian state and that internal relocation to Tirana would be unsafe and unreasonable. Her appeal is consequently allowed on Refugee Convention grounds. In view of that conclusion, I decline to consider the alternative submissions made by Mr Stedman.

### **Notice of Decision**

The decision of the FtT having been set aside in part, I remake the decision on the appeal by allowing it on Refugee Convention grounds.

M.J.Blundell

Judge of the Upper Tribunal  
Immigration and Asylum Chamber

**21 April 2022**