



**IN THE UPPER TRIBUNAL**  
**IMMIGRATION AND ASYLUM**  
**CHAMBER**

Case No: UI-2022-005143  
First-tier Tribunal No: PA/55976/2021

**THE IMMIGRATION ACTS**

**Decision & Reasons Issued:**  
**On 9 May 2023**

**Before**

**UPPER TRIBUNAL JUDGE RIMINGTON**

**Between**

**H A**  
**(ANONYMITY ORDER MADE)**

Appellant

**and**

**Secretary of State for the Home Department**

Respondent

**Representation:**

For the Appellant: Mr J Collins instructed by Marsh and Partners Solicitors  
For the Respondent: Mr E Tufan, Senior Home Office Presenting Officer

**Heard at Field House on 16 March 2023**

**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. Failure to comply with this order could amount to a contempt of court.**

1. The appellant, an Albanian citizen born in 2002, appeals, with permission, against the decision of the First-tier Tribunal dated 9<sup>th</sup> August 2022 dismissing his appeal. The appellant came to the UK in 2018 and claimed asylum. His claim was referred to the Competent Authority via the National Referral Mechanism to consider whether he was victim of trafficking. Subsequently there was a positive reasonable grounds decision on 11<sup>th</sup> September 2018 and thereafter a positive conclusive grounds decision. The appellant's claim for asylum was

nonetheless refused on 29<sup>th</sup> November 2021.

2. First-tier Tribunal Judge Plowright (the judge) dismissed the appeal finding that the appellant was a teenager (15-16 years) when working for the traffickers in Albania and although he maintained he had lost contact, he could relocate his family and return and obtain their support once returned. As such the appellant would not be at risk of being forced into modern slavery or trafficked.
3. The grounds of appeal asserted that:
  - (i) the factual matrix was accepted in full and that the judge found the appellant had lost contact with his family and it was difficult to reconcile that finding with the purported finding that the appellant could avail himself of family support on return. His father was in Greece.
  - (ii) The judge failed properly or adequately to engage with the nature of the gang which trafficked him and that the police were complicit and further the gang knew his home address.
  - (iii) The reliance on the appellant no longer being a child was flawed. There was no 'bright line' for maturity or adulthood. The County Policy Information Note on Albania dated 18<sup>th</sup> October 2021 indicated that persons over 21 years could still be trafficked.
  - (iv) The approach demonstrated a failure by the judge to consider the Asylos/ARC Foundation report (May 2019). This showed the clear problems of young male victims. The Asylos/ARC Report detailed the factors which were relevant. Comprehensive oral submissions were made on this point.

### **Analysis**

4. The judge set out the evidence and claim of the appellant such that the appellant started working in a hotel in Durres (some miles from Tirana) and was persuaded to work on a farm in Diber, a four hour drive away, cultivating cannabis. His parents did not know the appellant's address and the appellant was not allowed to leave. However the appellant managed to escape when delivering a package and went to Tirana where he went to 'his home' [30]. There saw people on the balcony and was scared they were the drug criminals. As a result, the appellant went to stay with his cousin in Durres.
5. The judge clearly was aware of the basis of the claim that the appellant feared re- trafficking should he return to Albania [39]. The judge specifically referenced the country guidance TD and AD (Trafficked Women) \_\_\_CG [2016] UKUT 00092 (IAC) and DC (trafficking:protection/human rights appeals) Albania [2019] UKUT 351 (IAC) and there is no indication that he ignored the guidance therein. The judge also referenced various reports including the CPIN-Albania Human Trafficking report dated September 2021 and the Asylos/ARC Foundation report entitled 'Albania: Trafficked boys and young men' published in May 2019 [Asylos/ARC report] at [21]. The judge set out

relevant parts of the CPIN and despite setting out the males and young uneducated males can be at risk of trafficking and that criminal networks can be extensive across Albania and *may* have connections with the police, the judge proceeded to make a series of finding which were open to him when dismissing the claim. His findings are threaded through the decision.

6. Specifically, the appellant relocated to Tirana when one year old and his family home was there. The appellant, as the judge found, was no longer a teenager but 21 years old at the time of the hearing. Not only did the judge find that the appellant at the time he left Albania, had his mother and sibling in Albania but also that his cousin who lived in Durres. Critically at [51] although the judge found that the appellant is not 'currently' in contact with any of his family in Albania, nevertheless the judge noted that the appellant has family, and from his asylum interview question 49, has a good relationship with them. Indeed after the appellant 'escaped' he located and stayed with his cousin in Albania who contacted his father. The judge thus cogently found 'this is therefore not a family who have abandoned the appellant and who are unwilling to help him and there is no reason why they could not support him on his return to Albania' [51].
7. Although the judge made a clear finding at [32] that the appellant was no longer 'in contact with his family' it is implicit in the findings overall that, notwithstanding his separation and loss of contact details hitherto, the appellant could relocate his family and indeed he sought out his cousin previously and stayed safely with him. Clearly the appellant knew where his family home was and further the judge found at [30] that it was no more than speculation that the people that the appellant spied on the balcony of the family home were members of the drug criminal gang [30]. The appellant then went to stay with his cousin, whom he also managed to locate, in Durres for 2 months until February 2018 'where he remained safe' [31].
8. In terms of the influence of the criminal gang, as the judge added, and cogently reasoned, the appellant stayed with his cousin in Shijak Durres from December 2017 until February 2018 and experienced no problems whilst he was there. Bearing in mind Durres was the same location as the hotel where he worked for the drug trafficker this was a compelling finding by the judge that the gang were not interested in the appellant, whether or not they had influence with the police. I have already noted that the judge found it was the appellant's speculation only that the men on the balcony of the family home were the drug criminals.
9. There is no indication that the judge failed to consider that young men may be at risk of trafficking, but the figures given in the grounds, from the CPIN para 3.11.2, were general (including both men and women) and the preponderance of those trafficked were those under the age of 18. Although Mr Collins in his oral submissions made the point that the support of the appellant's family, when in Albania, did not preclude him from being trafficked for over a year, that was when the appellant was 16 and several years ago, and away from home, as the judge clearly appreciated and entitled to factor in, and further, and the time the appellant spent safely in Durres clearly demonstrated that he was no longer at risk whether or not the gang had connections to the police. Simply put the criminals were no longer interested in him and owing to his

'personal circumstances' the judge found he was no longer at risk.

10. Those findings were brief but axiomatic. The judge was entitled on the reasoning to find the appellant could turn to his family. Shizad (sufficiency of reasons: set aside) [2013] UKUT 85 (IAC) reasons need not be extensive if the decision as a whole makes sense, having regard to the material accepted by the judge.
11. In terms of age the judge was clearly aware that the appellant was only 15-16 years when he left Albania [52] but recognised his continuing youth when stating 'He is now 21 years old and although still a young man, who has been a victim of modern slavery, he is a young man with the support of his family'. Those findings were open to the judge and showed that he had taken into account the age of the appellant.
12. There was no indication that the judge failed to consider the Asylos/ARC report. He set out much of the CPIN 2021 and this post-dated the Asylos/ARC report by 2 years. The crucial point, vis a vis the shelters, is the availability of the family (and as pointed out the appellant knew their address in Tirana). The CPIN itself references and cites from the Asylos/ARC report and sets out issues on vulnerabilities of male victims of trafficking and as the judge identified, the police have received training to increase their understanding of trafficking issues [43] and there was no indication the family were involved in his trafficking [42]. As TD and AD (Trafficked Women) identified, the Albanian government has made significant efforts to improve its response to trafficking which is ongoing. There was no challenge to the weight the judge had given to the positive conclusive grounds' decision. Of particular importance was the section 2.4.21 of the CPIN which stressed the need to consider the individual circumstances, the economic status of the family (the father was working in Greece) and whether the person has a support network in Albania and their health. Further the CPIN at section 3 specifically referenced the Asylos/ARC Foundation report with referenced to vulnerabilities. It is not arguable that the judge failed to engage with or address the problems of the appellant.
13. On the facts as set out the judge was entitled to take the approach he did. The Court of Appeal in Lowe v SSHD [2021] EWCA 62 referred to and repeated the judgment of Lewison LJ in *Fage UK Ltd. v Chobani UK Ltd.* [2014] EWCA Civ 5 at paragraph 114 as follows:
 

*"Appellate courts have been repeatedly warned, by recent cases at the highest level, not to interfere with findings of fact by trial judges, unless compelled to do so. This applies not only to findings of primary fact, but also to the evaluation of those facts and to inferences to be drawn from them"*
14. In this case the judge properly took into account relevant facts and assessed them cumulatively but succinctly. There is no requirement to make extensive findings if the central issues are addressed and that is the case here.

### **Notice of Decision**

15. I find no material error of law and the First-tier Tribunal decision will

stand.

*Helen Rimington*

Judge of the Upper Tribunal Rimington  
Immigration and Asylum Chamber

Signed 18<sup>th</sup> April 2023