



IN THE UPPER TRIBUNAL
IMMIGRATION AND ASYLUM
CHAMBER

Case No: PA/00286/2020

THE IMMIGRATION ACTS

**Decision & Reasons Issued:
On the 28 November 2023**

Before

UPPER TRIBUNAL JUDGE MANDALIA

Between

**OG
(ANONYMITY DIRECTION MADE)**

Appellant

and

Secretary of State for the Home Department

Respondent

Representation:

For the Appellant: Mr G Olphert, counsel instructed by SMA Solicitors
For the Respondent: Mr F Gazge, Senior Home Office Presenting Officer

Heard at Birmingham Civil Justice Centre on 18 April 2023

Order Regarding Anonymity

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.

DECISION AND REASONS

1. The appellant is a national of Albania. She arrived in the United Kingdom on 9 May 2017 and claimed asylum. The claim was refused by the respondent for reasons set out in a decision dated 22 December 2019. The appellant's appeal against that decision was dismissed by First-tier Tribunal Judge Fenoughty for reasons set out in a decision promulgated on 7 April 2020. Permission to appeal to the Upper Tribunal was granted by Upper Tribunal Judge Karama on 30 July 2020. At a hearing before Upper Tribunal Judge Gleeson, the Presenting Officer conceded Judge Fenoughty had made material errors of law in his approach to the relevant country guidance and the risk upon return. The decision of Judge Fenoughty was therefore set aside by Judge Gleeson for reasons set out in her 'error of law' decision issued on 31 March 2021. She directed that the decision will be remade in the Upper Tribunal. Following a further hearing, Judge Gleeson dismissed the appellant's appeal for reasons set out in a decision issued on 19 October 2021.
2. The appellant was granted permission to appeal to the Court of Appeal by Lady Justice Andrews DBE. The parties compromised the appeal before the Court of Appeal and in a consent order sealed on 17 November 2022 agreed that the decision of Upper Tribunal Judge Gleeson issued on 19 October 2021 be set aside. It was agreed that the matter be remitted to the Upper Tribunal for a fresh determination of the appeal on the basis of the statement of reasons. Insofar as is relevant to the appeal before me, the Statement of Reasons states:

"1. The appellant is an Albanian national, with two children born outside of marriage. The appellant's elder child was born in June 2017, following a period when she was living in the Netherlands and forced into prostitution by her trafficker ex-boyfriend. The appellant's younger child was born in February 2019. The father of the youngest child, at the time of the hearing, had an EU Settlement Scheme application pending. The parentage of the youngest child remained unexplained until shortly before the hearing on 27 September 2021.

2. The appellant is a victim of trafficking having received a conclusive grounds decision on 14 August 2019. However, the appellant's claim for international protection was rejected in the respondent's December 2019 decision (Respondent's Decision). The respondent relied on *TD and AD (Trafficked women) Albania CG* [2016] UKUT 92 (IAC) (9 February 2016). The respondent considered that the appellant was not at risk of re-trafficking on return to Albania and that there was sufficiency of protection for her against her family and her trafficker, should she experience difficulty on return. The appellant appealed against the respondent's decision.

...

8. ... the parties consider it appropriate that this matter be remitted to the Upper Tribunal for a new hearing, to determine, on the evidence before the tribunal, whether the appellant would be returning to Albania as a single mother of two children born out of wedlock, or returning to Albania with her partner, and to what extent it is relevant.

..."

3. It is against that background that the appeal was listed for hearing before me. Mr Olphert confirmed the appellant relies upon the skeleton argument settled by him and dated 17 September 2021.

Summary of the appellant's claim

4. The appellant was born in Tirana, Albania in March 1994. She lived there with her parents, a sister and three brothers. She has three paternal aunts in Tirana and a paternal uncle who lives in Lur village. She claims that in September 2015, aged 21, she left Albania with her boyfriend to live in Italy. In December 2015 her father and brother found her in Italy, and she was taken back to Albania. She left Albania again in January 2016 with her boyfriend and travelled to Holland. The appellant claims that in Holland she was forced by her ex-boyfriend, to work as a prostitute. In October 2016, an Albanian client, Kutjim, helped her to escape and she was taken to a house in France, where she lived with the family of a friend of Kutjim, who she refers to as Agron. She remained in France until May 2017. She claims that in May 2017 she was contacted by her ex-boyfriend, Jace Pagallari, who said that he knew where she was and that he would come and get her. When she told Agron about that, she was told she could no longer live with his family, and that he would help her travel to the UK in the lorry of a friend of his. The appellant arrived in the UK on 9 May 2017.
5. Shortly after her arrival in the UK, on 16 July 2017, the appellant gave birth to her daughter who I refer to as DG. The identity of DG's father is not known.
6. In view of the claims made by the appellant regarding, in particular, her experience in Holland, a referral was made to the Single Competent Authority under the National Referral Mechanism. On 17 May 2017, it was decided that there were reasonable grounds to believe the appellant was a potential victim of modern slavery. In a conclusive grounds decision dated 14 August 2019, the Single Competent Authority concluded that there are no significant credibility issues in the appellant's account and that on a balance of probabilities, it is more likely than not that the events she relies upon, had occurred.
7. The significance of the decisions of the Single Competent Authority is that a decision has been reached on the balance of probabilities that there are conclusive grounds for accepting that the appellant was a victim of trafficking. Quite properly, it is not suggested by Mr Gazge that I should go behind that decision.

The evidence before me

8. The appellant attended the hearing and was assisted by an interpreter arranged by the Tribunal. At the outset of the hearing, I established that the evidence is set out in the following bundles:
 - a. The respondent's bundle

- b. The appellant's bundle that was before the First-tier Tribunal (filed under cover of a letter dated 9 March 2020).
- c. The appellant's 'Additional Bundle' comprising of 20 pages

9. It was noted that there is no up-to-date statement from the appellant. Mr Olphert told me that the decision not to provide a further witness statement was a decision made by the appellant's representatives. I observed that the appeal is listed for hearing before me to remake the decision and it is wholly unsatisfactory that despite the passage of time, a conscious decision had been taken by the appellant's representatives that no updated witness statement should be provided to the Tribunal, particularly given the uncertainties and gaps in the evidence identified, and the concerns that have previously been expressed by Judge Gleeson in her decision. I was informed that Mr Gazge had been informed of what the appellant was likely to say in her evidence in chief. Mr Gazge confirmed that he does not take issue with the appellant being called to give evidence without any updated witness statement.
10. The appellant adopted her witness statement dated 7 July 2021. She confirmed the statement had been read back to her before she signed it, and the content is true and correct. In that statement the appellant claims she met a gentleman who I refer to as 'Indrit' in March 2018 at a shopping centre in Dudley. They remained in contact and after a few months, at around the end of May/June 2018, they began an intimate relationship. She did not realise she was pregnant until some months later, and she gave birth to the child of that relationship, who I shall refer to as DN on 18 February 2019. The appellant describes Indrit as being an active and hands-on father. The appellant claims she has suffered from major mental health issues because of her past experiences. She experiences flashbacks of the trauma and has suffered from depression for which she has received some counselling.
11. The appellant claims in her witness statement that Indrit has an application under the EU Settlement Scheme pending with the Home Office. She provided a copy (*page 5 of the Additional bundle*) of the letter sent by the Home Office to Indrit dated 16 December 2020, acknowledging receipt of an application under the EU Settlement Scheme.
12. In her oral evidence before me the appellant said she is no longer in a relationship with Indrit. She claims that she does not know what his immigration status in the UK is, and when she was asked whether she knows of any applications made by him that might allow him to stay in the UK, she said "no". She said she is aware of an application that he had made to the Home Office but she does not know what the application is for. She claims she does not know when the application was made. She was asked whether he would travel to Albania with her. She answered "no". She said that she did not know of the outcome of the EU Settlement Scheme application made by Indrit.
13. In answer to questions that I asked by way of clarification, the appellant claimed her relationship with Indrit had ended over a year ago but she

could not be any more specific. She said they no longer live together. When I asked whether Indrit has contact with his child, she answered “not always”. When pressed, she claimed that he sees the child twice each week but does not provide any financial support. Asked whether she considers him to be present in the child’s life, she said “Yes”.

14. In cross-examination the appellant said that when Indrit sees DN he interacts with him by picking him up from nursery, bringing him home and taking him to the park. The appellant claimed that as far as she knows, all of Indrit’s family is in the UK. She said that she has not discussed what the arrangements will be if the appellant has to return to Albania, and that Indrit is not aware that the appellant may have to return to Albania. The appellant said that she only speaks to Indrit when Indrit has contact with DN. The appellant claimed that she remains in fear of the people that trafficked her and of her father. She said that she last had contact with her father about six years ago, and she has not contacted any of her family and friends in Albania since. The appellant said that neither her father nor her ex-boyfriend have attempted to contact her.
15. The appellant said that she currently lives with a friend who also has a child. She described Indrit as having a close bond with DN. She said that if she has to return to Albania, Indrit would be unable to support her financially but she did not know why. She was asked whether Indrit would be willing to return to Albania with her. She said “I don’t know”. She confirmed that she has not done any research into help that might be available to her in Albania.
16. To clarify matters, I asked the appellant some further questions about her and the child’s relationship with Indrit. The appellant said that she last saw Indrit four months ago when he went to see DN, at his nursery in Dudley. The appellant explained that he had picked DN up from nursery and brought him home. That was not by prior arrangement, but something Indrit had done to surprise DN. The appellant was also at the nursery. The appellant claimed that the last time Indrit had seen DN before that, was about two weeks previously and that up until about four months ago, Indrit saw DN every two weeks. The appellant maintained that for the past four months Indrit had not seen DN at all. When I asked her why that was, she said she did not know. The appellant said she normally communicates with Indrit by text message and that she has not text him for the past four months because they are no longer in a relationship. She said she has been waiting for him to contact her. There was no re-examination.
17. For the avoidance of doubt, in reaching my decision I have had regard to the appellant’s medical records that appear in the additional bundle. On 27 May 2021, the appellant’s GP, Dr Karim confirmed the appellant suffers from depression and that she was referred for counselling in 2020 that she found very beneficial. He states the appellant has been on antidepressants since January 2020. The entries in her medical records that end on 11 September 2020 confirm the appellant’s ‘boyfriend’ has assisted her with medical appointments and with translation.

18. I have also considered the report of Dr James Korovilas, who was instructed by the appellant's representatives, and has, *inter alia*, conducted a research project on behalf the University of Helsinki in April 2018 focused on understanding the process of return migration to Albania. Dr Korovilas addresses the risk the appellant is exposed to arising from the fact that she has an illegitimate child and whether she is a target for traffickers, as a woman over the age of 25. He expresses the opinion that there is a risk of the appellant being recaptured by the criminal network who had previously forced her to work as a prostitute in Holland. He states she is a vulnerable young woman without the support of her family and could easily be preyed upon by the human trafficking networks that are active in Albania. He also states that it is certainly not the case that human trafficking networks are only interested in women under the age of 25. He states he has personally encountered numerous examples of women over the age of 25 who have fallen victim to Albanian human trafficking networks.
19. I heard submissions from both Mr Gazge and Mr Olphert that are a matter of record and there is nothing to be gained by reciting those submissions in this decision.

Decision

20. The appellant has appealed under s82(1) of the Nationality, Immigration and Asylum Act 2002 against the decision of the respondent to refuse her claim for asylum and humanitarian protection. The appellant claims to be a refugee whose removal from the UK would breach the United Kingdom's obligations under the 1951 Refugee Convention.
21. The appellant bears the burden of proving that she falls within the definition of "refugee". In essence, the appellant has to establish that there are substantial grounds for believing, more simply expressed as a 'real risk', that he is outside of his country of nationality, because of a well-founded fear of persecution for a refugee convention reason and he is unable or unwilling, because of such fear, to avail herself of the protection of that country.
22. I have had the opportunity of hearing the appellant give evidence, and seeing that evidence tested in cross-examination. Matters of credibility are never easy to determine, particularly, as here, where the evidence is received through an interpreter. I acknowledge that there may be a danger of misinterpretation, but I was satisfied that the appellant understood the questions asked, and the interpreter had a proper opportunity to translate the answers provided by her. In reaching my decision I have been careful not to find any part of the account relied upon, to be inherently incredible, because of my own views on what is or is not plausible. I have considered the claims made the appellant and her story as a whole, against the available country evidence and other familiar factors, such as consistency with what has been said before, and the documents relied upon.

23. It is now well established that if a court or Tribunal concludes that a witness has lied about one matter, it does not follow that he or she has lied about everything. Similarly, it does not follow that if a witness is credible about some aspects of the claim, the witness is credible as to all claims made. The fact that a witness is honest and credible about some matters is relevant and important, but a witness may lie about other aspects of the claim for many reasons, for example, out of shame, humiliation, misplaced loyalty, panic, fear, distress, confusion, and emotional pressure. A person's motives may be different as respects different questions. I have borne that in mind in reaching my decision.
24. Throughout my consideration of this appeal I have had regard to the Joint Presidential Guidance Note No.2 of 2010: Child, Vulnerable Adult and Sensitive Appellant Guidance, and for the avoidance of any doubt my assessment of the appellant's credibility has been considered in the round, making due allowance for the fact that many asylum seekers that have been subjected to abuse will have problems giving a coherent account. In reaching my decision, the focus has been upon what is important rather than a recitation of every possible relevant piece of evidence.
25. I have had regard throughout to the decision of the Single Competent Authority regarding the appellant's account of events leading to her arrival in the UK. Her account has been accepted on a balance of probabilities, a higher standard than that which is to be applied by me in considering the claim for international protection.
26. Mr Ophert submits the appellant is a credible witness and that I should find that her relationship with Indrit has broken down as she claims. He submits the appellant cannot possibly know why Indrit has not been in touch with her for the past four months or so, and that given the multiple applications that have been made by Indrit to remain in the UK, it is clear that he has no intention of returning to Albania with the appellant and the children. Mr Ophert submits the appellant will therefore be returning to Albania alone as a single female with two children born out of wedlock.
27. The appellant claimed in her witness statement dated 7 July 2021 that she is in a relationship with Indrit, another Albanian national. The appellant's evidence regarding the breakdown of her relationship with Indrit was given by the appellant for the first time before me. It is regrettable that the evidence had not been set out in a witness statement. However, standing back and having surveyed the wide canvas of evidence before me, I did not find the appellant to be a credible witness regarding the breakdown of her relationship and her account of the limited contact Indrit has with his son. Her evidence before me was vague, lacked clarity and was inconsistent.
- a. The appellant claims in her witness statement dated 7 July 2021 that Indrit has an EU Settlement Scheme application pending with the Home Office. She exhibited a copy of the letter received from the Home Office. In her oral evidence before me she claimed she did not know whether he had made any applications to the Home Office that might allow him to stay in the UK. She then claimed he

had made an application, but she did not know what that application was for, or when it was made.

- b. In her oral evidence before me, when asked by Mr Olphert whether Indrit would travel to Albania with her, she replied “No”. In cross-examination when the appellant was asked whether she had discussed with Indrit what the arrangements will be if she has to return to Albania, she said, “No”. She said that she only speaks to him when he contacts the child. She was later asked whether Indrit would be willing to go back to Albania and she said “*I don’t know*”.
- c. When I asked the appellant about her relationship with Indrit, she said the relationship ended “*almost over a year ago*”. When I asked her whether she could be more specific she said “No”.
- d. When I initially asked the appellant whether Indrit has contact with his son, she replied “*not always*”, and when asked how often he sees him, she said “*twice each week*”, and that she considers him to be present in her child’s life. In cross-examination, when the appellant was asked how Indrit interacts with the child when he sees him, the appellant said that he picks him up from the nursery, brings him home and takes him to the park. When asked about the relationship between Indrit and DN, she said that they have a strong bond.
- e. Following cross examination, when I asked the appellant further questions for clarification, despite her earlier account of the relationship and contact between Indrit and DN, the appellant claimed that she had last seen Indrit four months ago, when he collected DN from nursery and brought him home. The appellant was also at the nursery. She claimed that Indrit had seen DN about two weeks prior to that, and that up until four months ago, Indrit had been seeing DN every two weeks. She maintained that Indrit has not seen DN at all for the past four months. When asked why, she simply said “*I don’t know*”. She said they communicated by text message about four months ago and when asked whether there is any reason why she had not text him for the last four months, she said “*Because we are not in a relationship*” and that she is waiting for him to contact her.

28. Quite apart from the inconsistencies in the appellant’s evidence, it is implausible that having established a close bond with his son, Indrit would then sever all contact about four months ago for no apparent or explained reason. It is not credible that Indrit has disappeared from the lives of the appellant and the children entirely. I do not accept that the appellant’s relationship with Indrit has broken down as she claims, and I do not accept that Indrit has limited contact with his son in the way suggested by the appellant. I find, even to the lower standard, that the appellant remains in a relationship with Indrit and that the appellant’s claim that they have now separated is nothing more than a misguided attempt by the appellant to give the impression that she would have to return to Albania as a lone

woman with two children born out of wedlock. The question of whether the appellant is in a relationship with Indrit is relevant to the assessment of risk on return. The appellant and Indrit are in my judgement aware that if the appellant is found to be able to return to Albania with Indrit, it is likely that she would be in a far less vulnerable position than if she returned as a lone woman with two young children born out of wedlock.

29. For reasons that are entirely unexplained, Indrit did not provide any evidence when the appellant's appeal was previously heard by Upper Tribunal Judge Gleeson in September 2021. On any view, the appellant and Indrit were in a relationship at that time. There was no suggestion that he would not return to Albania with the appellant to maintain his relationship with the appellant and DN. Indrit has not provided evidence before me. I do not accept the appellant's claim that Indrit would not return to Albania with her. In cross-examination when the appellant was asked whether she had discussed with Indrit what the arrangements will be if she has to return to Albania, she said, "No". They do not need to have that conversation if, as I find, they continue to be in a relationship and will wish to remain living together as a family unit, wherever that may be. The appellant's evidence before me as to the frequency of contact between Indrit and DN is internally inconsistent and I do not accept she has been truthful about it, before me. I find the appellant remains in a relationship with Indrit and it follows that I find Indrit's contact with the children is not in any way constrained. The appellant's account of Indrit's relationship with DN, which I accept, is that Indrit has a strong bond with DN and I find that he will return to Albania with the appellant and DN so that they can continue living together.
30. In summary, the events leading to the appellant's arrival in the UK are accepted. She was born and brought up in Tirana, where she lived with her family. The appellant was subjected to domestic abuse by her father and brother. The appellant formed a relationship in Albania, and fled Albania to Italy in September 2015 with her boyfriend when her family were arranging her marriage to a person of their choosing. The appellant was found by her father and brother in Italy in December 2015 and she returned to Albania. In January 2016, the appellant fled Albania again with her boyfriend and they travelled to Holland. In Holland she was forced, by her ex-boyfriend, to work as a prostitute. She subsequently managed to flee Holland and she arrived in the UK in May 2017. The appellant's evidence before me in cross examination was that she last spoke to her father about 6 years ago. She said that neither her father nor her ex-boyfriend have made any attempt to contact her since her arrival in the UK.
31. The appellant is now in a relationship with Indrit, who is a national of Albania and has no form of leave to remain in the UK. There is a child of that relationship. On the findings made, the appellant will be returning to Albania with Indrit and the two children, one of whom is an illegitimate child. It is against that factual background that I turn to consider the risk upon return. In reaching my decision, I have confined myself to looking at the individual circumstances of the appellant based on the findings made.

32. I have had regard to the expert report of Dr James Korovilas that is relied upon by the appellant. The key features of the appellant's evidence that he relied upon are set out in his report. He noted the appellant is unwilling to return to Albania since she will be harmed by her ex-boyfriend and there is a risk that she would fall back into the hands of the criminal network who previously forced her to work as a prostitute. He noted the appellant has been rejected by her family. Dr Korovilas confirms that whilst conducting research on the difficulties that returnees have in establishing themselves in Albania he encountered a number of single women who experience difficulties trying to re-establish themselves. He records that there were significant difficulties reported in terms of being stigmatised in wider society and that women found it difficult to effectively reintegrate into Albanian society because of stigmatisation. He expresses the opinion that the stigma would impact upon the appellant's vulnerability in Albania and increase the risk of her being exploited by various criminal gangs that operate there. Dr Korovilas also discusses the difficulties that single mothers have, on account of the stigma associated with having illegitimate children, that is associated with a dishonourable past. He expresses the opinion that the stigmatisation of women in that position was such that they found it difficult to effectively reintegrate into Albanian society, in the sense that it would make it difficult to establish new networks of friends and associates, thereby increasing isolation and vulnerability. Having considered the report of Dr Korovilas, although I have no reason to doubt the opinions he expresses, I attach little weight to his report because the focus of the report is upon the position the appellant would find herself in as a lone woman returning to Albania with children born out of wedlock.
33. In *TD and AD (Trafficked women) CG* [2016] UKUT 00092 (IAC), the Upper Tribunal confirmed that much of the guidance given in *AM & BM (Trafficked women) Albania CG* [2010] UKUT 00080 (IAC) is maintained. The guidance set out by the Tribunal is as follows:
- "a) It is not possible to set out a typical profile of trafficked women from Albania: trafficked women come from all areas of the country and from varied social backgrounds.
 - b) Much of Albanian society is governed by a strict code of honour which not only means that trafficked women would have very considerable difficulty in reintegrating into their home areas on return but also will affect their ability to relocate internally. Those who have children outside marriage are particularly vulnerable. In extreme cases the close relatives of the trafficked woman may refuse to have the trafficked woman's child return with her and could force her to abandon the child.
 - c) Some women are lured to leave Albania with false promises of relationships or work. Others may seek out traffickers in order to facilitate their departure from Albania and their establishment in prostitution abroad. Although such women cannot be said to have left Albania against their will, where they have fallen under the control of traffickers for the purpose of exploitation there is likely to be considerable violence within the relationships and a lack of freedom: such women are victims of trafficking.

d) In the past few years the Albanian government has made significant efforts to improve its response to trafficking. This includes widening the scope of legislation, publishing the Standard Operating Procedures, implementing an effective National Referral Mechanism, appointing a new Anti-trafficking Co-ordinator, and providing training to law enforcement officials. There is in general a Horvath-standard sufficiency of protection, but it will not be effective in every case. When considering whether or not there is a sufficiency of protection for a victim of trafficking her particular circumstances must be considered.

e) There is now in place a reception and reintegration programme for victims of trafficking. Returning victims of trafficking are able to stay in a shelter on arrival, and in 'heavy cases' may be able to stay there for up to 2 years. During this initial period after return victims of trafficking are supported and protected. Unless the individual has particular vulnerabilities such as physical or mental health issues, this option cannot generally be said to be unreasonable; whether it is must be determined on a case by case basis.

f) Once asked to leave the shelter a victim of trafficking can live on her own. In doing so she will face significant challenges including, but not limited to, stigma, isolation, financial hardship and uncertainty, a sense of physical insecurity and the subjective fear of being found either by their families or former traffickers. Some women will have the capacity to negotiate these challenges without undue hardship. There will however be victims of trafficking with characteristics, such as mental illness or psychological scarring, for whom living alone in these circumstances would not be reasonable. Whether a particular appellant falls into that category will call for a careful assessment of all the circumstances.

g) Re-trafficking is a reality. Whether that risk exists for an individual claimant will turn in part on the factors that led to the initial trafficking and on her personal circumstances, including her background, age, and her willingness and ability to seek help from the authorities. For a proportion of victims of trafficking, their situations may mean that they are especially vulnerable to re-trafficking, or being forced into other exploitative situations.

h) Trafficked women from Albania may well be members of a particular social group on that account alone. Whether they are at risk of persecution on account of such membership and whether they will be able to access sufficiency of protection from the authorities will depend upon their individual circumstances including but not limited to the following:

- 1) The social status and economic standing of her family
- 2) The level of education of the victim of trafficking or her family
- 3) The victim of trafficking's state of health, particularly her mental health
- 4) The presence of an illegitimate child
- 5) The area of origin
- 6) Age
- 7) What support network will be available."

34. The country guidance in *TD and AD (trafficked women) CG* [2016] UKUT 00092 (IAC), and the expert country evidence of Dr James Korovilas, together with the up to date background evidence all indicates that some support is available to victims of trafficking in Albania. However, they are also consistent in stating that the support provided by shelters is limited and does not provide a permanent solution for former victims of trafficking. Although the Albanian government has made significant efforts to improve its response to trafficking in recent years, protection may not be effective in every case.
35. It is now well established that an asylum seeker who claims to be in fear of persecution is entitled to asylum if he or she can show a well-founded fear of persecution for a Refugee Convention reason and that there would be insufficiency of state protection to meet it; *Horvath* [2001] 1 AC 489. Sufficiency of state protection, whether from state agents or non-state actors, means a willingness and ability on the part of the receiving state to provide through its legal system a reasonable level of protection from ill-treatment of which the claimant for asylum has a well-founded fear.
36. The guidance set out in *TD and AD* is somewhat dated but remains the relevant country guidance. Mr Olphert referred to the Country policy and information note: human trafficking, Albania, version 14.0 issues in February 2023 which, at 5.1.5, draws upon *TD and AD* and highlights that those who have children outside marriage are particularly vulnerable. In extreme cases the close relatives of the trafficked woman may refuse to have the trafficked woman's child return with her and could force her to abandon the child. The CPIN also confirms, at 14.3.1, that individuals cannot live anonymously in Albania because it is such a small country and because of cultural reasons, and the ways in which people situate you socially as part of a family. The CPIN confirms, at 7.4.6, that without support from the system and family, victims of trafficking are preyed upon by traffickers who promise accommodation, food and support, but then they are forced into the sex trade and, to keep them, the traffickers begin to threaten their children or they tell the victims of trafficking that their children will be harmed if they do not work in prostitution for the traffickers. The CPIN also confirm, at 8.1.1, that stigma and discrimination was also reported to be a key issue for the children of those who had experienced trafficking.
37. The appellant will not be returning to Albania as a lone woman with two children. She will be returning with her partner who is the father of her youngest child and who has featured in the life of the appellant and her eldest child for a number of years. She will have his ongoing support. The appellant has been away from Albania for some years and the appellant's evidence is that neither her father nor her ex-boyfriend have made any attempt to contact her since 2016/17, albeit I acknowledge the appellant has been in the UK during that time. There is nothing in the evidence before me regarding social status, economic standing and education of the appellant or her family that leads me to conclude that the appellant would now be at risk from her family. She would not be returning to Albania having to rely upon support from her family. She is somewhat older and

more mature than she was when she left her family in January 2016 and she is now in a relationship and would be returning to Albania with her partner and father of her youngest child.

38. There is limited evidence before me regarding the appellant's mental health. She has suffered from depression and has been referred for counselling that she found to be beneficial. She has been prescribed anti-depressants previously and there is nothing in the evidence before me to suggest that she will be unable to access the necessary treatment and medication to manage her mental health. The medical records disclosed confirm the appellant's partner has been a source of support to her whenever she has had to access health services in the UK, and I have no doubt he will continue to support her to access services in Albania.
39. The appellant has an illegitimate child who now forms part of the family unit with the appellant, her partner and their child DN. The appellant will have the support of her partner in Albania and although stigma can be a concern for female victims of trafficking, the background material establishes that there is also support available from the government and civil society. The appellant is now 29 years old and looking at the background material before me as a whole, I am satisfied that in the appellant's particular circumstances, with the support she has available to her from her partner, there is in general a 'Horvath-standard' sufficiency of protection, available to her.
40. In any event, even if the appellant could not return to Tirana, I am satisfied it would not be unduly harsh or unreasonable for the appellant, and her partner and children, to return to live elsewhere in Albania. The appellant and her partner have demonstrated their resilience during the period that they have remained in the UK, and there is nothing in the evidence before me to suggest that it would be unduly harsh or unreasonable for the appellant and her partner to relocate internally. I accept the background material confirms Albania is a small country, a little larger than Wales, with a population estimated to be between 2.8 million and just over 3 million. People are generally able to move around freely.
41. On the basis of the findings that I have made and the appellant's personal circumstances, and accepting the appellant has previously been found to be a victim of trafficking, I do not accept the appellant will be at risk upon return to Albania now.
42. It follows that I dismiss her appeal.

Notice of Decision

43. The appeal is dismissed.

V. Mandalia

Upper Tribunal Judge Mandalia

Judge of the Upper Tribunal

Immigration and Asylum Chamber

1 November 2023