



IN THE UPPER TRIBUNAL
IMMIGRATION AND ASYLUM
CHAMBER

Case No.: UI-2023-005497

First-tier Tribunal Nos:
PA/50841/2023
LP/02246/2023

THE IMMIGRATION ACTS

Decision & Reasons Issued:

20th of September 2024

Before

DEPUTY UPPER TRIBUNAL JUDGE MONSON

Between

PH (ALBANIA)
(ANONYMITY ORDER MADE)

Appellant

and

SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Mr D Bazini, Counsel instructed by AA Immigration Lawyers

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

Heard at Field House on 28 August 2024

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 appeals against the decision of First-tier Tribunal Judge GA Black promulgated on 11 November 2023 (“the Decision”). By the Decision, Judge Black dismissed the appellant’s appeal against the decision of the respondent to refuse to recognise him as requiring international protection, notwithstanding a positive decision by the Single Competent Authority that the appellant was a victim of forced criminality in Albania during the period July - August 2017.

Relevant Background

2. The appellant is a national of Albania, whose date of birth is 28 October 2000. He arrived in the UK in October 2017 and claimed asylum as an unaccompanied minor. In his witness statement in support of his asylum claim, he said he had born in Ceren, Diber, and had lived there until the age of seven, when he moved with his family to Farke, Tirana. He had left school at the age of 15 and had taken up employment in a car wash.
3. His father, who worked in construction, had a problem with heavy drinking, which made him aggressive and violent, and a problem with addictive gambling. He would lose money on machines in casinos. He borrowed money from criminals to keep up with this addiction, and he could not afford to repay them. In July 2017 his father took him to Sauk to meet two people who he said were friends of his and who were going to teach him to be a car mechanic. His father left him with these two people, who drove him to Vllahem on the border of Kosovo/Montenegro. He knew that something was wrong, but he understood that his father had agreed with them that he should work for them to pay off his debt to them. They brought him to a big warehouse where cannabis was growing. He was told he was going to help look after the cannabis plants. They threatened him with violence if he attempted to leave. They said they had connections with the police so they would always be able to find him. There were maybe five or six others there like him. There were people guarding the workers. He was there for four weeks, until he eventually summoned the courage to escape after he had been raped. The door to the warehouse was open and he could not see anyone so he ran for it. He ran towards the village of Vllahem, and from there he took a minibus to Krume. From Krume he got a minibus to Durres, and he went to the house of his maternal uncle.
4. His uncle said that he should leave the country, and he met with his father who signed an application for his passport. It took two weeks for the passport to arrive. He stayed with his uncle for a month, and he met his mother and sister on the day that he flew out of Albania. His father had moved out of the family home when he got the news of his escape, while his mother and sister had stayed there, and had not come to harm. He and his father flew together from Tirana to Verona on 21 September 2017, where his father left him with an agent. He feared that on return to Albania

his traffickers would kill him or harm him, or harm his family, as he had escaped from them.

5. The appellant was interviewed about his asylum claim on 24 July 2018, and his Legal Representatives made further representations on his behalf on 30 November 2022. Meanwhile, on 9 May 2022 the Single Competent Authority decided that the appellant was a victim of forced criminality in Albania during the period July - August 2017, and on 19 May 2023 the appellant was given discretionary leave to remain as a victim of trafficking/modern slavery until 16 May 2024.
6. In the Home Office refusal letter dated 9 January 2023, the respondent accepted that he was trafficked within Albania to work in a cannabis factory. In light of the internal consistencies in his account, and the findings of the Single Competent Authority, it was accepted that he was a potential victim of trafficking ("PVoT"). But there was not a reasonable degree of likelihood that he would be persecuted on return to Albania because of this. There were alternative solutions in Albania to overcome the risk presented by traffickers, such as state protection and internal relocation. There was an established police force in Albania from which he could seek protection if the need arose. The Albanian police force was functioning effectively, according to para 2.3.3 of the CPIN on Actors of Protection dated December 2021. In the CPIN on Trafficking dated September 2022 it was stated that there was now in place a reception and integration programme for victims of trafficking.
7. He had said that he could not approach the police for protection because they were all connected to the traffickers. But this ran counter to the CPIN on Actors of Protection which, while acknowledging that the police did not always enforce the law equitably for a range of reasons, including political and criminal connections, said that the authorities continued to address these problems by, among things, publicly highlighting anti-corruption measures. The government had established a system for vetting security officials and, as of November 2019, had completed vetting 32 high-level police and SIAC leaders. It was not accepted that the non-state agents that he feared had any influence over the state, either on a local or national level. Nor was it accepted that the authorities of Albania would be unable or unwilling to offer him protection if he sought it. There was no reason why he would be restricted to living in Farke. It was noted that he had lived with his uncle in Durres for around one month. During this time, he was able to apply and biometrically enrol for a passport. Then he left the country via an airport without coming to anyone's attention and/or experiencing any further problems. Furthermore, Durres had a population of over 200,000, making it a fairly populated area.
8. The appellant's case on appeal was set out in an appeal skeleton argument ("ASA") dated 27 June 2023, settled by Ms Heidar of Counsel. She submitted that the appellant had a well-founded fear of persecution on return to Albania as a victim of trafficking.

9. In support of the submission that the appellant could not rely on state protection, she cited extracts from the Country Expert Report that had been commissioned by her instructing solicitors.
10. The appellant could not rely on the state for support because the EU Commission in a 2018 report pointed out: *“The police remain vulnerable to corruption and political interference in operational activities, despite an increase in internal investigations”* (quotation lifted from paras 34 and para 36 of the Report – see ASA at 6.2, 6.6 and 6.7).
11. The expert confirmed at para 25 of his report that the police could not provide any protection for the appellant, because it was likely that individuals were colluding with the criminals inside the police force: *“As a vulnerable young man with no support (my emphasis), he would be at risk of loan sharks, narcotics traffickers and the criminal network.”*
12. The expert at para 46 found:

“Mr [PH], if returned to Albania, may approach the Policia e Shtetit (State Police) and seek protection. Mr [PH] claims that he was used, abused and raped by a narcotics gang and did seek protection from Policia e Shtetit, knowing that they would not offer any protection. Policia e Shtetit would not be interested in protecting Mr [PH]. Criminals will be aware if Mr [PH] contact authorities, criminals such as loan sharks and narcotics gangs have contacts that work with the authorities ... Policia e Shtetit (State Police) and Prokuroria e Shtetit has no capacity or would be unwilling or unable to protect Mr [PH].”
13. The expert at para 57 found:

“If Mr [PH] returns to Albania, he would be at risk from the Albanian loan sharks who are part of the Albanian mafia ...The Albanian police force would not provide meaningful protection to Mr [PH] in the short, medium or long-term. The Albanian mafia would act, and the police would either be uninterested or neglect the case.”
14. In the Respondent’s Review dated 8 August 2023, the Pre-Appeals Review Unit (PARU) stated that whilst there may be some shortcomings in the support available for male VoTs, in comparison to females, support was still available and this was not disputed. The CG case of TD & AD did not specifically consider the availability of protection for men or children. However, many of the measures put in place by the Albanian government that were considered in that case were applicable to men and children.
15. On the issue of internal relocation, the appellant had received a respectable amount of education, and as his mother, sister and uncle still resided in Albania, he would have a sufficient family support network in his home country. He would be returning as an adult who could access relevant support from the authorities if required. Whilst the ASA had been considered along with the appellant’s evidence such as the expert report, they did not deter the respondent from the findings already made.

The Hearing Before, and the Decision of, the First-Tier Tribunal

16. The appellant's appeal came before Judge Black sitting at Taylor House on 7 November 2023. Both parties were legally represented. Ms Heidar appeared on behalf of the appellant, and Mr Eaton of Counsel appeared on behalf of the respondent. The appellant was called as a witness, and he adopted as his evidence in chief his witness statement in the appeal bundle. There was no cross-examination.
17. As recorded by the Judge at para [9] of the Decision, in closing submissions Mr Eaton submitted that the respondent had considered the appellant's claim at its highest. His claim was predicated on an expert report which had not been fully considered in the Review. Mr Eaton submitted that little weight should be placed on the expert report which was of poor quality, largely contained generic information, and contained factual errors - e.g. as to whether or not the appellant contacted the police. There was no proper consideration of the appellant's situation, as the report was generic and interspersed with subjective evidence about the appellant. Reliance should be placed on the CPIN of September 2022 and on *TD & AD (Trafficked women) CG* [2016] UKUT 00092 (IAC). The expert report was insufficient to lead to a departure from the CG case.
18. In reply, Ms Heidar relied upon her ASA and submitted that the asylum claim should be allowed, as he would be at risk of re-trafficking. His account was found to be credible. The expert report was reliable evidence, "*accepting the mistakes*" (sic), in which it was concluded that the appellant would not be able to relocate as a VoT because of police corruption. He had had no contact with his family since 2017. The debt owed by his father still remained, and he was at risk of loan sharks. Internal relocation was not feasible, as there was a need for connections, and family support networks, and the appellant would be identified because of his accent, and at risk of being targeted by criminals, as concluded by the expert.
19. The Judge's findings of fact and conclusions began at para [11]. She said that, having considered all the evidence in the round, she concluded that the appellant had failed to show that he faced any risk on return on protection grounds.
20. The Judge went on to quote the CPIN where it said that there was no indication that males generally faced discrimination. As such, male victims were likely to be able to relocate. Each case would depend upon its particular facts, taking into account the appellant's ability to support themselves, the level of assistance, the place of relocation, and the intent and reach of their former traffickers.
21. At para [12] the Judge held that the appellant was not a person who was trafficked to the UK, but she had considered whether he faced an elevated risk of trafficking because of his history of abuse and forced criminal

labour, and the lack of contact with his family since 2017. In terms of risk on return, she said that she needed to make a holistic assessment, following the approach in *TD & AD*. The appellant would be able to return to Albania where he would not be at risk of trafficking. There was background evidence to show that some support was available for male victims, including shelters and mobile units, notwithstanding that there were shortcomings as compared with those available for females. There was no evidence of any ongoing adverse interest on the part of the abusers and/or any loan sharks. There was no evidence to show that these persons had the ability to locate and trace the appellant. The debt was his father's, and it was understood that he was in Italy. The Judge continued:

"The appellant was sent by his father to work for the criminals in the cannabis factory to pay off his father's debt. The appellant did not make a report to the police but he could do so as there is a functioning police and prosecution service in Albania. There is no reliable evidence to show that the non-state agents/abusers have any influence over the police locally or otherwise. The appellant claims that he fears returning to his home area in Farke and Has. The accepted evidence is that he has lived with his uncle in Durres, and I find that he would be able to return there and have some family support away from his home area, and as such it would not be unduly harsh for him to relocate."

22. At para [13] the Judge said that in general, the available evidence did not indicate that men and boys who had been trafficked to the UK would be at risk of serious harm on return for that reason alone. The appellant was a modern-day slave or victim of forced criminality rather than a trafficked person, but the issues on re-trafficking could be applied - albeit that the evidence related largely to females. She relied on the CPIN at 3.3.4 which stated that whether they faced a risk of such treatment depended upon their personal circumstances, such as their age, education, skills and employability, area of origin, health or disability, availability of support network, and the intent and reach of their traffickers. The Judge continued:

"I am not satisfied that the evidence in the expert report demonstrates factors to support that the appellant will be at risk of re-trafficking because of his vulnerability. I place some little weight on the expert report and accept that he is appropriately qualified, but there are some significant mistakes in the report as acknowledged by Ms Heidar, which leads me to have reservations as to the quality of the report. At para [46] the expert states: *"Mr [PH] claims that he was used, abused and raped by a narcotics gang and did seek protection from Policia e Shtetit, knowing they would not offer any protection."* This is an inaccurate and false reflection of the appellant's account - he did not go to the police and he did not use the term "narcotics gang". The expert has relied on the documents provided by the appellant's solicitors and at no stage did he interview the appellant. Further I accept the position taken by Mr Eaton that the bulk of the report is generic and there is little focus on the appellant's situation other than speculatively. For example, he states that the appellant may be at risk from *"the Albanian loan sharks who are part of the Mafia in Albania ..."* (para 57). There is no

reliable evidence that non-state agents who have abused and forced the appellant into illegal work are “loan sharks” or “part of the mafia”. For those reasons, I conclude that the expert report is insufficient to override the conclusions reached in TD &AD in terms of risk factors.”

The Reasons for Refusal of the Initial Grounds of Appeal

23. The initial grounds of appeal running to 11 pages were settled by Mr Bazini, and the application for permission to appeal was refused by First-tier Tribunal Judge Haria for the reasons set out below.
24. The grounds asserted that the Judge acted unfairly in failing to give the appellant’s expert an opportunity to address the point raised by the Home Office Presenting Officer. Ms Heidar acknowledged that there were significant mistakes in the report. There was no mention of any application by Ms Heidar to seek to adduce further evidence from the expert to address the errors, and there was no witness statement from Ms Heidar in support of the asserted procedural unfairness, in line with the guidance given in *BW (Witness statements by advocates) Afghanistan* [2014] UKUT 00568 (IAC).
25. Reading the decision as a whole, the assessment of the evidence could not be criticised and that the relevant Country Guidance had been taken into account.
26. The grounds amounted to nothing more than a disagreement with the findings of the Judge, which were properly open to the Judge on the evidence. They disclosed no arguable error of law capable of materially affecting outcome.

The Renewed Grounds of Appeal to the Upper Tribunal

27. In the renewed grounds of appeal, which were similar in length to the initial grounds, Mr Bazini submitted that the Judge had materially erred in law in (1) unlawfully/unreasonably failing to take lawful account of the expert evidence and failing to act fairly with regard to it; (2) failing to have regard to the evidence of the appellant which was otherwise found credible; and (3) failing to correctly apply the relevant Country Guidance to the facts of the case.

The Reasons for the Eventual Grant of Permission to Appeal

28. On 21 June 2024 Upper Tribunal Judge Lindsley granted permission to appeal for the following reasons:

“The grounds, which focus on the unfair treatment of the expert evidence, are all arguable.”

The Hearing in the Upper Tribunal

29. At the hearing before me to determine whether an error of law was made out, Mr Bazini developed the renewed grounds of appeal, focusing in

particular on the asserted unfairness in the Judge's treatment of the Country Expert Report.

30. On behalf of the respondent, Mr Wain submitted that there had been no formal application for the admission in evidence of the email from the expert that was attached to the grounds of appeal, in which the expert stated that due to a typographical error the word "not" was missing from para [46] and that what he meant to say was that the appellant had not gone to the police, knowing they would not offer protection.
31. In any event, Mr Wain submitted that the allegation of procedural unfairness was not made out, essentially for the same reasons given by Judge Haria in the refusal decision. Mr Wain further submitted that there was no material error of law in the Judge's general approach, which was to ask herself whether the expert evidence disclosed strong grounds to depart from the Country Guidance of *TD & AD*.
32. After hearing from Mr Bazini briefly in reply (during which I asked him to comment on para 12 of the expert report) I reserved my decision.

Discussion and Findings

33. In view of the nature of error of the law challenge, I consider that it is helpful to bear in mind the observations of Lord Brown in *South Bucks County Council -v- Porter* [2004] UKHL 33; 2004 1 WLR 1953 and the guidance given by Lewison LJ in *Volpi and Another v Volpi* [2022] EWCA Civ 464.
34. The observations of Lord Brown were cited with approval by the Presidential Panel in *TC (PS compliance - "Issues-based reasoning") Zimbabwe* [2023] UKUT 00164 (IAC). Lord Brown's observations were as follows:

"36. The reasons for a decision must be intelligible and they must be adequate. They must enable the reader to understand why the matter was decided as it was and what conclusions were reached on the "principal controversial issues", disclosing how any issue of law or fact was resolved. Reasons can be briefly stated, the degree of particularity required depending entirely on the nature of the issues falling for decision. The reasoning must not give rise to a substantial doubt as to whether the decision-maker erred in law, for example by misunderstanding some relevant policy or some other important matter or by failing to reach a rational decision on relevant grounds. But such adverse inference will not readily be drawn. The reasons need refer only to the main issues in dispute, not to every material consideration...Decision letters must be read in a straightforward manner, recognising that they are addressed to parties well aware of the issues involved and the arguments advanced. A reasons challenge will only succeed if the party aggrieved can satisfy the court that he has genuinely been substantially prejudiced by the failure to provide an adequately reasoned decision."
35. Lewison LJ summarised the relevant principles in *Volpi and another v Volpi* [2022] EWCA Civ 464 at para 2:

- “i) An appeal court should not interfere with the trial judge's conclusions on primary facts unless it is satisfied that he was plainly wrong.
- ii) The adverb "plainly" does not refer to the degree of confidence felt by the appeal court that it would not have reached the same conclusion as the trial judge. It does not matter, with whatever degree of certainty, that the appeal court considers that it would have reached a different conclusion. What matters is whether the decision under appeal is one that no reasonable judge could have reached.
- iii) An appeal court is bound, unless there is compelling reason to the contrary, to assume that the trial judge has taken the whole of the evidence into his consideration. The mere fact that a judge does not mention a specific piece of evidence does not mean that he overlooked it.
- iv) The validity of the findings of fact made by a trial judge is not aptly tested by considering whether the judgment presents a balanced account of the evidence. The trial judge must of course consider all the material evidence (although it need not all be discussed in his judgment). The weight which he gives to it is however pre-eminently a matter for him.
- v) An appeal court can therefore set aside a judgment on the basis that the judge failed to give the evidence a balanced consideration only if the judge's conclusion was rationally insupportable.
- vi) Reasons for judgment will always be capable of having been better expressed. An appeal court should not subject a judgment to narrow textual analysis. Nor should it be picked over or construed as though it was a piece of legislation or a contract.”

Ground 1

- 36. Under Ground 1, Mr Bazini's first line of attack is that the Judge acted unfairly and unreasonably in not giving the appellant's expert the opportunity to address the criticism made by the respondent for the first time in submissions, which was that the expert report was unreliable, since the expert had stated that the appellant had sought protection from the police, when in fact the appellant had never claimed to have done so.
- 37. It was open to Counsel for the appellant to apply for an adjournment so that the expert could deal with the point raised. Ms Heidar chose not to take this course, but instead to take the line that the expert report was authoritative and reliable despite the significant mistakes which she acknowledged that the report contained.
- 38. Accordingly, I am not persuaded that the appellant has been deprived of a fair hearing on account of the Judge proceeding to decide the appeal on the evidence that was presented to her.
- 39. Mr Bazini's second line of attack is that the Judge acted unreasonably in finding that the expert had made a fundamental mistake in para 46. He submits that it was obvious, both from the surrounding wording in para 46 and also from paragraph 5, where the expert sets out the factual background to the case and makes no mention of the appellant ever going to the police, and from paragraph 18, where the expert specifically states that the appellant did not contact the police in Albania, that the discrepancy in para 46 was likely to be a typographical error.

40. I consider that this argument disintegrates on contact with para 12 of the report, where the expert says as follows: *“Throughout this report, the opinion and evidence have been presented that the Albanian authorities are corrupt. As such, Mr [PH] would not be able to receive meaningful protection in Albania as he claims that he has several times contacted the police. They did not take any action to protect Mr [PH] and his family.”*
41. The significance of this passage is twofold. Firstly, it shows that it was entirely reasonable for the Judge to have serious reservations about the quality of the report and hence the reliability of the expert’s conclusions on sufficiency of protection and the viability of internal relocation. Secondly, it undermines the case that it was unfair for the Judge to adopt a central criticism of the report that had only been advanced in closing submissions. The error in para 12 of the report is so egregious that it is to be inferred that Ms Heider noted it when preparing the ASA, but ignored it, and this explains why she is not recorded as complaining that she has been taken by surprise, but is instead recorded as accepting that there are some significant mistakes in the report.
42. Thirdly, Mr Bazini submits that it was unreasonable for the Judge to criticise the expert for using the term *“narcotics gang”* when this was not a term that the appellant had used himself. I do not consider that the Judge was clearly wrong to criticise the expert in this regard. The appellant’s evidence was that he was forced to work in a cannabis factory. The appellant did not claim to have knowledge that his abusers were involved in the production or trade of illegal narcotics more generally.
43. Fourthly, Mr Bazini submits that the Judge wrongly seeks to undermine the report by stating that the expert did not interview the appellant when it is commonplace in this jurisdiction for country experts to provide reports without an interview.
44. Although the Judge did not explain how an interview would have assisted the expert, at para 60 of the report the expert says that the appellant was born in the remote village of Ceren, in the district of Diber, where a particular northern Albanian accent is used. So, if he were relocated anywhere in Albania, his accent would be recognised as an accent from Diber. He goes on to say that if he was able, at the age of 16, to identify the dialects of his abusers, then anyone in Albania would be able to identify his dialect as a dialect from Diber, or even as a dialect from the remote villages of Diber.
45. This opinion assumes that the appellant has retained a particular northern Albanian accent from Diber, and also a Diber dialect, notwithstanding the fact he moved to Tirana at the age of seven, and went to school in Tirana from the age of seven until the age of fifteen. In the absence of an interview of the appellant in his native language, the assumptions made by the expert were untested.
46. Fifthly, Mr Bazini submits that, in stating that the bulk of the report is generic, the Judge has not provided a lawful or sensible reason not to give

it weight. Mr Bazini submits that the report is no more generic than most expert reports, and that throughout the report the expert regularly cross-references the facts with the background material.

47. While it is true that there is a regular cross-reference from the specific facts to the background material, the specific facts are at times misstated (see above) or salient elements are ignored which contradict or undermine the central thesis that the appellant would not be able to access effective protection and that internal relocation is not a viable option. For example, not only does the expert ignore the fact that the appellant resided in the south of the country from the age of seven, but also that he took refuge with his maternal uncle in Durres after escaping from the cannabis factory. As a result of ignoring these facts, the expert declares confidently at para 25 of his report that the appellant would be a returnee with no support and, as previously noted above, declares confidently at para 60 that anywhere the appellant goes in the south of Albania, he will be identified as originating from Diber in the north, and so will stand out as outsider.
48. Moreover, as is highlighted in the extracts from the report cited in the ASA, the expert veers between opining as to what is likely to happen to opining as to what is certain to happen, whereas the evidential foundation for both these positions is (a) the same; and (b) tendentious.
49. For example, while the respondent's case on sufficiency of protection is based on CPINs from 2021 and 2022, the expert report makes repeated reference to a statement by the European Commission in a report dated 2018 that the Albanian Police remain vulnerable to corruption and political interference in operational activities, despite an increase in internal investigations. In short, the expert sets out to prove that the Albanian police are universally corrupt in 2023 (cf the extract from para 12 quoted above) by reference to a report generated five years earlier which did not in terms state that the problem of corruption was universal even in 2018.
50. I accept that the expert refers to specific background evidence which supports the claim made by the appellant in his substantive interview that, when the gang threatened the appellant not to run away, they told him that they had contacts with a named Minister who, by the time of the interview, had long since been publicly exposed as being corrupt.
51. However, it was not unfair of the Judge not to treat this evidence as bolstering the thesis advanced by the expert. Firstly, it did not follow that the gang, if it still existed, had the protection of a rogue Minister in 2023. Secondly, the fact that the Minister who was said by the gang to be protecting them in 2017 had since been brought to justice lent support to the respondent's case that Albania had made significant progress in combating corruption since 2017.
52. In conclusion, it was open to the Judge to accept Mr Eaton's submission that there was little focus on the appellant's situation other than speculatively, and that the opinion expressed at para 57 of the report was speculative and unreliable.

53. More generally, for the reasons given above, it was open to the Judge to find that the expert's opinion on sufficiency of protection and internal relocation was speculative, and that his report was not sufficiently authoritative or reliable (a) to justify a departure from *TD & AD* or (b) to undermine the recent CPINs relied on by the respondent.

Ground 2

54. Under Ground 2, Mr Bazini criticises the Judge for not engaging with passages in the evidence of the appellant which are not commented on by the expert. These passages were not singled out in the ASA as being significant. The proposition that the passages in question added materially to the appellant's case on risk on return is very doubtful, but in any event the Judge was not obliged to deal with every material consideration.

Ground 3

55. Under this ground, Mr Bazini relies upon *AM & BM (Trafficked women) Albania CG* [2010] UKUT 80 (IAC) for the finding by the Upper Tribunal that internal relocation is unlikely to be effective for most victims of trafficking who have a well-founded fear of persecution in their home area. He also cites *BF (Tirana - gay men) Albania CG* [2019] UKUT 93 (IAC), where the Tribunal accepted as entirely plausible that a person might be traced by family or other connections in Tirana; and whether that would occur would depend upon the family being motivated to make such enquiries and the extent of its hostility. Mr Bazini submits that the Judge's failure to apply the above country guidance to the facts of this case amounts to material error.
56. However, the appellant's case before the First-tier Tribunal did not rely upon either of the two Country Guidance cases cited by Mr Bazini under Ground 3, and nor was there any reliance upon a report on trafficked boys and young men by the Aylos and Asylum Research Centre dated May 2019, which cites expert evidence to the effect that it is impossible to live anonymously in Albania.
57. The Judge did not misdirect herself in treating *TD & AD* as laying down country guidance that was readily applicable to the appellant, albeit that he was male, and in approaching the expert evidence on the basis that it needed to be of sufficient cogency to justify a departure from *TD & AD*.
58. The Judge also did not err in law in failing to address *EH (Blood Feuds) Albania CG* [2012] UKUT 00348 (IAC). Although it was cited in the ASA, it was not explained in the ASA how it advanced the appellant's case. On the face of it, the extracts from it that are cited in the ASA are wholly irrelevant.

59. Mr Bazini cites *EH* for the finding that sufficiency of protection and the internal flight alternative will not always be available in blood feud cases, and this may be particularly so in the northern part of the country. Mr Bazini adds in brackets that this is from where the appellant came.
60. The Judge cannot be criticised for a failure to engage with a citation which is absent from the ASA. I also question its relevance. There is a difference between attempting to relocate from one part of the north of the country to another part in the north, and relocating from the north to the south. In any event, while the appellant was born in the northern part of the country, he moved to Tirana at the age of seven, and (as discussed above) there was no specific evidence that he had retained a northern accent or dialect, such that he had in the past or would in the future present as an outsider in Tirana or anywhere else in the southern part of the country.

Notice of Decision

The decision of the First-tier Tribunal did not contain an error of law, and accordingly the decision stands. This appeal to the Upper Tribunal is dismissed.

Anonymity

The First-tier Tribunal made an anonymity order in favour of the appellant, and I consider that it is appropriate that the appellant continues to be protected by anonymity for the purposes of these proceedings in the Upper Tribunal.

Andrew Monson
Deputy Judge of the Upper Tribunal
Immigration and Asylum Chamber
16 September 2024