



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

Case No: UI-2024-000970

First-tier Tribunal No:  
HU/50378/2020

**THE IMMIGRATION ACTS**

**Decision & Reasons Issued:**

On 21<sup>st</sup> of June 2024

**Before**

**DEPUTY UPPER TRIBUNAL JUDGE SYMES**

**Between**

**SADIK MAZRREKU  
(No anonymity order made)**

Appellant

**And**

**SECRETARY OF STATE FOR THE HOME DEPARTMENT**

Respondent

**Representation:**

For the Appellant: Mr J Collins  
For the Respondent: Mr T Melvin

**Heard at Field House on 25 April 2024**

**DECISION AND REASONS**

1. The Appellant, a citizen of Albania born 7 December 1995, appeals against the decision of the First-tier Tribunal of 22 January 2024 dismissing his appeal against the Respondent's refusal of his human rights claim on 28 August 2020.
2. The Appellant entered the UK on 28 November 2014. The case he put on appeal was that he had fled Albania because of a land dispute and had experienced modern slavery and trafficking in France for three months. He lived with his brother and fiancée in the UK, financially supported by the former, and had many friends here. He had a sister in this country

granted leave to remain as a trafficking victim though he had no contact with her. He had lost all ties in Albania. His human rights claim was refused because it was thought he faced no very significant obstacles to integration in Albania, where he was familiar with the language, environment and culture and could reasonably be expected to find work; he had established himself in the UK whilst his immigration status was very precarious and without any expectation that his relationships here could develop without interruption.

3. Evidence relied on before the First-tier Tribunal included

- (a) The Appellant's witness statement setting out that whilst he had not pursued an asylum claim, he continued to live with his brother and the latter's child, whom he helped to look after; he loved his family here very much. He had been kidnapped and trafficked to France, so had not left Albania for economic reasons; the Albanian state was too weak to interfere in blood feuds which could result in unlawful killings. He could be traced by the family with whom the dispute had arisen.
- (b) Representations from Marsh and Partners Solicitors stating the Appellant had been kidnapped and trafficked to France from September to November 2014 and that he had no close relatives left in Albania. He was of good character, had close ties here, and had consistently sought to regularise his status (though their own enquiries with UKVI had disclosed no evidence of any outstanding applications).
- (c) A letter from the Appellant's brother Taf Mazrreku and his fiancé Melita Malnar, stating the Appellant lived with them and their child, and that they tried to support the Appellant, whose terrible past sometimes left him saddened. He had greatly feared for his brother's well-being having lost contact with him whilst he was trafficked to France. He and his brother were of a similar age and understood one another; they hoped he could build his future here.
- (d) A letter from the Appellant's cousin Sali Mulaj stating they were best friends.
- (e) A letter from the Appellant's uncle Hazir Hoxha, saying the Appellant regularly visited him, his partner and their two children, they saw him as a son, and often spent time together.
- (f) Various other letters from friends and their partners, generally explaining that they regularly socialised with the Appellant, were grateful for his friendship and hoped his application would succeed.

4. Whilst the Respondent suggested the Appellant should make an asylum claim if he believed himself to face serious harm in Albania, no such claim appears to have materially progressed, and before the First-tier

Tribunal his advocate expressly disavowed the pursuit of any international protection or trafficking claims.

5. The First-tier Tribunal dismissed the appeal, on the basis that
  - (a) The Appellant retained family in Albania, such as his parents and other siblings;
  - (b) There was no reason to think that a land dispute would inhibit his integration, it was unclear why his brother maintained that the Appellant would face problems when the rest of his family did not, and in any event he could presumably settle that dispute if he so wished, or report the matter to the authorities;
  - (c) Whilst the Appellant undoubtedly had strong ties in the UK by way of his relationship with his brother and various friends, this could not surmount the public interest in denying leave to remain to an overstayer who had remained here for no good reason.
6. Grounds of appeal contended that the decision was unlawful as only the Appellant's fears arising from the land dispute had been afforded any real attention and relevant evidence had been overlooked without any findings being made on it. Permission to appeal was granted by the First-tier Tribunal on 11 March 2024.
7. Mr Collins submitted that material aspects of the evidence had been overlooked such as the Appellant's witness statement, and the corroborative letters from his brother and various friends. The First-tier Tribunal had unduly focussed on the land dispute to the exclusion of all other issues.
8. Mr Melvin submitted that there was no reason to engage further with the material supplied. It was clear the Appellant had plenty of links in Albania, his brother said that he would support him abroad, he had already been a very significant overstayer before seeking to regularise his position, and there were no real obstacles to his integration abroad. In reality the Appellant simply wished to remain in the UK, and no judge properly directing themselves could allow this appeal.

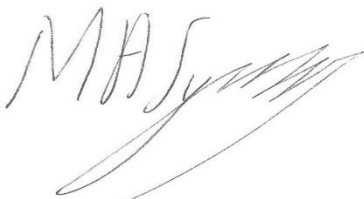
## **Decision and reasons**

9. It seems to me that Mr Melvin had the better of the argument on this appeal, given the available evidence. Mr Collins was correct to submit that the First-tier Tribunal should have addressed the evidence adduced by the Appellant in greater detail, given its relevance to his private life ties in this country. I accept that the volume of supporting letters demanded reasoned attention, given its relevance to the existence and strength of the Appellant's private life in the UK and it was an error of law to fail to address it.

10. But this was not a material error of law. In reality I do not consider that any judge, properly directing themselves, could have allowed the appeal based on the available evidence.
11. I so conclude because the Appellant's ties here do not appear to extend beyond the normal support and friendship that is to be expected of a young person living in a country for a few years. There is nothing to suggest emotional dependency exceeding the norm, or significant financial and psychological support, such as to constitute family life here. Doubtless he and his UK resident brother are close. But there is a strong public interest, expressed by Parliament in s117B(4)(a) NIAA 2002, that "Little weight should be given to a private life ... that is established by a person at a time when the person is in the United Kingdom unlawfully". Whilst that presumption can be rebutted in exceptional circumstances where the private life relied on exhibits compelling features, that is certainly not the situation here, where the relationships are not out of the run of normal expectations.
12. More importantly, the background to the Appellant's presence in the UK is vague in the extreme. The Appellant and his brother, who given their closeness could reasonably be expected to know the full details of the former's history, have put forward no detail whatsoever of the difficulties he faced in France; or why his sister, who appears to have suffered from similar problems, is not in touch with him, let alone why she has not provided evidence on the appeal. It would seem that the case originally put to the Respondent as to family links in Albania (the solicitor's representations having denied such ties' existence) was less than candid: in reality he has his parents, an older brother and sisters there. Their presence there shows that he would not lack any support and would indeed have stronger family ties there than in the UK. Given that no finding in his favour was made below as to any adverse experiences he may have suffered en route to the UK (nor reasonably could be made on the vague material advanced), there is no justification for his presence in this country whatsoever save for personal choice.

Decision:

The decision of the First-tier Tribunal contained no material error of law. I accordingly dismiss the appeal.



Deputy Upper Tribunal Judge Symes  
Immigration and Asylum Chamber

15 June 2024