



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

**Case No: UI-2024-001176**  
**First-tier Tribunal No:**  
**PA/51392/2023**  
**LP/02335/2023**

**THE IMMIGRATION ACTS**

**Decision & Reasons Issued:**  
**On the 08 October 2024**

**Before**

**UPPER TRIBUNAL JUDGE KAMARA**

**Between**

**JV**  
**(ANONYMITY ORDER MADE)**

**and**

**Secretary of State for the Home Department**

Appellant

Respondent

**Representation:**

For the Appellant: Ms Panagiotopoulou, counsel instructed by Sentinel Solicitors  
For the Respondent: Mrs S Nwachuku, Senior Home Office Presenting Officer

**Heard at Field House on 17 September 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**

**Introduction**

1. The appellant was granted permission to appeal the decision of First-tier Tribunal Judge Behan dismissing the appellant's appeal following a hearing which took place on 17 November 2023.

2. Following an error of law hearing which took place on 30 May 2024, that decision was set aside in respect of the findings on sufficiency of protection, internal relocation and very significant obstacles to integration. The appeal was retained in the Upper Tribunal for remaking. This decision should therefore be read in conjunction with the error of law decision dated 3 June 2024.

### Anonymity

3. An anonymity direction was made previously and is reiterated because this appeal concerns a protection claim.

### Factual Background

4. The appellant is a national of Albania now aged twenty-two. He left Albania in 2018 and was aged seventeen by the time he arrived in the United Kingdom during November 2018. The appellant's claim is based on his involvement in delivering packages containing cannabis to the port, a job which was arranged by his father for financial reasons. After the appellant discovered the contents of the packages he wished to stop this work but he was forced to continue doing so after being ill-treated and threatened. The appellant was referred to the National Referral Mechanism (NRM) in relation to his claim to be a victim of modern slavery. On 6 September 2022, the Home Office informed the appellant that the Single Competent Authority had decided that he was a victim of modern slavery in that he was a victim of child criminal exploitation between May and September 2018.
5. In a decision letter dated 14 February 2023, the Secretary of State refused the appellant's protection claim. The credibility of the claim was accepted however the respondent did not accept that the appellant was a member of a Particular Social Group, that there was insufficient protection, that internal relocation was not available to the appellant or that there were very significant obstacles to his reintegration.

### The decision of the First-tier Tribunal

6. At the hearing before the First-tier Tribunal, the appellant was treated as a vulnerable witness owing to having been diagnosed with Post-traumatic Stress Disorder (PTSD). The issues in dispute remained those identified in the decision letter of 14 February 2023. The appeal was dismissed as the judge found there to be a sufficiency of protection for the appellant in Albania, that he could safely relocate and that there were no very significant obstacles to reintegration. The judge accepted that the appellant was a member of a particular social group at [17] of the decision..

### The hearing

7. The matter comes before the Upper Tribunal to re-make the decision. The hearing was attended by representatives for both parties as above. There was no

need for the appellant to give evidence owing to the preserved findings from the decision of the First-tier Tribunal.

8. Both representatives relied on their respective skeleton arguments which were filed in advance of the hearing and the conclusions below reflect those arguments and submissions where necessary. A bundle was submitted by the appellant for the error of law stage containing, inter alia, the core documents in the appeal, including the appellant's and respondent's bundles before the First-tier Tribunal.
9. Mrs Nwachuku disputed the existence of a Convention reason of Particular Social Group in her skeleton argument which overlooked the findings of the First-tier Tribunal at [17] that there was a Convention reason, with reference to *EMAP* {2022 } UKUT 00335 IAC. As there was no cross-appeal on this point, the matter is not open for debate.
10. At the end of the hearing, the decision was reserved.

#### Discussion and reasons

11. The issues to be determined in this appeal are whether there is a sufficiency of protection in Albania, whether it would be unduly harsh for the appellant to internally relocate and, in respect of Article 8 ECHR, whether there are very significant obstacles to the appellant's reintegration into Albanian society.

#### Sufficiency of protection

12. As indicated above, the Secretary of State does not dispute the appellant's experiences in Albania however it is worth setting out those experiences in further detail. All the evidence shows that the appellant is from an impoverished background. The account he provided in his detailed witness statement dated 12 December 2018 mentions that his parents moved cities for economic reasons prior to his birth and that both parents worked in a factory. The appellant's father struggled to hold down a job owing to his poor temperament which led to financial struggles. The appellant's father was physically abusive towards him. The appellant was required to work while a minor and his father found him poorly-paid casual work loading and unloading lorries which led to the appellant being encountered by the gang which criminally exploited him.
13. When the appellant raised objections to this illicit work with one of the gang members, he was beaten, received death threats and had a gun pointed at him. The gang member told the appellant that he knew the police and that they worked for the gang. The appellant's father insisted that the appellant continue this work because the gang members were dangerous. The appellant carried on working for the gang for many more months until he made a mistake with a package which led to the appellant being beaten, being threatened with being

killed, tied up and locked in a van. Following this incident he was able to escape from the gang and Albania.

14. In terms of education, the appellant completed only his primary education and has no qualifications either from Albania or the United Kingdom. His sole work experience is limited to the unloading of packages containing cannabis at a port in Albania.
15. As for family support, the finding of the First-tier Tribunal, that the appellant's last contact was with his mother in November 2018 has been preserved. Also preserved were the findings that the appellant continued to fear his father and that he did not know the whereabouts of three of his four siblings. The sibling he knew of was living at home when the appellant left Albania.
16. Since arriving in the United Kingdom, the appellant has experienced poor mental health. The psychiatric report of Dr Gupta dated 10 June 2023 confirms a diagnosis of complex PTSD. The opinion of Dr Gupta is that 'there is a high risk of significant deterioration in his mental health, ,with worsening of PTSD,' should the appellant be returned to Albania. In his witness statement dated 2 June 2023, the appellant describes his symptoms which include difficulty sleeping, nightmares and anxiety around people out of a fear of being harmed. He describes having lost all confidence and to overeating owing to worrying about what will happen to him. He further explains his inability to talk about his experiences with health professionals as he finds it difficult to 'think about the past.'
17. It has never been suggested by the respondent that there is no risk of harm in the appellant's home area. It is the respondent's case that there is sufficient protection available from the authorities and that the appellant could relocate to a safe part of Albania.
18. The appellant would therefore be returning to Albania as a single vulnerable young man in his early twenties who has been absent from Albania for six years, since he was a minor . The appellant has been subjected to violence by his father who led him to be trafficked and who failed to assist him in escaping that exploitation. The Tribunal finds that these circumstances, along with the lack of family support, taken with the appellant's vulnerable mental state, will mean that it is reasonably likely that he will be at real risk of being re-trafficked.
19. The appellant relies on the guidance in *TD and AD* ( trafficked women) CG [2016]UKUT 00092, as being of some assistance in this case, notwithstanding that the appellant is male, in terms of identifying the relevant factors to be considered when determining if a trafficked person is at risk of persecution or being re-trafficked. The factors identified in *TD and AD* which are relevant here include the social status and economic standing of the VOT and their family, the level of education of the victim of trafficking or their family, state of health, including mental health, the area of origin and the age of the VOT.

20. Support for the above proposition can be found in the CPIN Human Trafficking March 2024 at 3.3.4. which confirms that whether male victims of trafficking face a risk of serious harm on return will depend on their personal circumstances, such as age, education, skills and employability, area of origin , health or disability , availability of a support network and the intent and reach of their traffickers. The same CPIN confirms ( at 3.3.2), that ‘there is limited information about the experience and treatment of male victims of trafficking, including the scale, nature and frequency of re-trafficking.
21. According to the above-mentioned CPIN, men and boys who are from lower economic backgrounds, have a low level of education or lack of employment opportunities, have physical or mental disabilities, have experienced domestic abuse or family breakdown, and/or live in remote areas are more likely to being trafficked or re-trafficked than men and boys generally.’
22. At 3.3.3 of the CPIN, the following is said.

Albania is a patriarchal society with male family members expected to provide for their families. There is a general lack of awareness that men and boys may be victims of trafficking, and those who are trafficked may not accept or recognise that they have been exploited, and may therefore be reluctant to seek assistance.
23. It has been taken into consideration that the CPIN states that male victims of trafficking are less likely to be re-trafficked than female victims, however the report contains confirmation that each case involving male victims needs to be considered in light of the individual circumstances and against the risk factors referred to in 3.3.2 and 3.3.4.
24. The 2024 Asylos report of 2024 at p 65 refers to the presence of stigma relating male trafficking victims in a variety of settings. The appellant has explained that he does not like to talk about his experiences. This is a theme which is present in the background reports, such as the CPIN - Human trafficking at para 3.3.3: “*Albania is a patriarchal society. There is a general lack of awareness that men may be victims of trafficking and those who are trafficked may not accept or recognise that they have bene exploited and may therefore be reluctant to seek assistance*”.
25. Furthermore the 2019 Asylos report refers to a deep sense of shame and denial that young males can be trafficked in Albania and the reluctance to address these problems against the background of Albania ’s aspiration to become a member of the European Union.
26. It is reasonably likely that the appellant would not access the support services he needs given his reluctance to talk about his experiences even in the relative safety of the United Kingdom. In addition, the appellant is not well-equipped to find employment in Albania owing to impoverished background, lack of family support, lack of education, lack of work experience and mental health conditions.

27. The appellant has been persecuted in the past. It is trite law that past persecution is a serious indicator of a future risk of persecution, absent good reasons to consider that it would not be repeated, with reference to paragraph 339K of the Immigration Rules. In addition to the risk of persecution from his traffickers in his home area, I am satisfied that the appellant would also be at real risk of being re-trafficked throughout Albania.

Sufficiency of protection

28. The Secretary of State contends that firstly, Albania has a functioning police force capable of offering adequate protection and in general, the state is willing and able to provide effective protection to male victims of trafficking.
29. The second point made is that the appellant failed to avail himself of the protection of the Albanian authorities in that he did not approach the police for assistance whilst he was in Albania.
30. It is not in dispute that in assessing whether sufficient protection is available, it is not necessary for a state to eliminate all risk and that a more practical test applies.
31. The point of dispute between the representatives is whether the Albanian authorities have done enough to tackle organised crime. The respondent's view is that the Albanian authorities have made progress in addressing corruption and in dealing with organised crimes.
32. In terms of the appellant's argument that there is an implementation gap between legislative changes and their enforcement in Albania, the respondent makes the simple point that this state of affairs is common in all other countries.
33. In terms of the systems of protection in place in Albania, Version 15.0 of the Albania: Human trafficking CPIN at 10.1.4 refers to dedicated law, a dedicated task force, a National Rapporteur, an NRM, law enforcement and judiciary training initiatives, dedicated prosecutors and courts, and victim shelters to prevent and combat human trafficking. More dated reports including Freedom House for 2021 and the USSD report 2022 refer to Albania become more proactive and making significant efforts to address human trafficking.
34. The 2022 USSD report refers to an increase in the number of prosecutions for trafficking. Whereas the previous CPIN notes that the Special Structure against Corruption and Organized Crime (SPAK) prosecuted two new cases, continued two cases from previous years and that there were eleven convictions of child traffickers compared to none in 2020. Given the foregoing there would appear to be some merit in the respondent's submission that this amounts to evidence of positive implementation and improvement in the country situation.

35. In addition to the positive references in the 2022 USSD report the 2023 USSD report states that Albania does not fully meet the minimum standards for the elimination of trafficking in several key areas.

‘the government did not convict any traffickers and identified fewer victims. The government continued to inconsistently implement screening efforts for vulnerable populations, and mobile victim identification units remained underfunded and understaffed despite identifying most of the victims every year. The government lacked resources for reintegration efforts for victims , anti trafficking coordinating bodies continued to not meet and the government -run hotline continued to not function.’

36. Furthermore, Para 10.1.2 of the previous CPIN, relied upon by the respondent, also refers to lack of training and expertise, corruption, weak institutions, a lack of witness protection and legal aid and a distrust of the protection system which prevents potential victims from coming forward. One of the major barriers to protection identified in the CPIN at 10.7.1 is corruption, a matter referred in the Asylos 2019 report quoted therein, which referred to there being an ‘endemic problem with direct relationships between law enforcement and criminal networks in Albania.’

37. The April 2024 ASYLOS report Albania: Trafficking makes reference to a European Commission report of November 2023 stated that the improved legislative framework for VOTs ‘*is yet to be implemented.*’

38. The ASYLOS report also includes the following quote from the USDOS 2023 Trafficking in Persons in Albania report regarding the factors which affected the application and implementation of trafficking related legislation:

‘ [...]GRETA , prosecutors and other observers reported district prosecutors did not have the specialised experience and capacity to prosecute trafficking cases successfully. GRETA and observers reported authorities confused overlapping elements of exploitation of prostitution and trafficking and at times applied the lesser charge because it required less specialisation and time or due to the fast belief that trafficking crimes required a transnational element. [...] Limited resources, capacity ,and reports of constant turnover within law enforcement created additional obstacles to maintaining capacity to investigate trafficking , including a lack of resources to investigate trafficking through vital means.’

39. The ASYLOS report reproduces a part of the Home Office Report of a fact-finding mission: Albania: Human trafficking dating from December 2022 in which the answer to a question as to whether the comprehensive framework was implemented, the reply was as follows.

‘They may have told you about the framework , but did they tell you that the budget is zero. We have laws and frameworks and we have strategic plans, we have everything but they are not monitored they have zero budget and change every 2 or 3 years. We have not as a civil society, seen any evaluation uproot to show what they have done within this framework...’

40. Considering the facts of the appellant against the backdrop of the country conditions, looked at in the round, it is notable that his description of what one of the gang told the appellant about his police connections is supported by the country material. That corruption remains a major issue in Albania is a feature of all the reports. It is therefore accepted, on the lower standard, that the implementation gap referred to in the most recent reports remains in relation to VOTs. Furthermore there are several references in the reports to a reluctance to accept that there is such a thing as a male VOT. In the particular circumstances of the appellant it is therefore accepted there would not be a sufficiency of protection for him if returned to Albania.

Internal relocation

41. Putting aside the practical difficulties of living anonymously in a country as small as Albania, I begin consideration of this issue with a focus on the appellant's personal circumstances. As indicated above, the appellant, who is still a young man, will be vulnerable to further exploitation owing to his diagnosis of complex PTSD, impoverished background, lack of qualifications and work experience and lack of family support. For the same reasons I find that internal relocation is not a viable option for the appellant in Albania.
42. In addition to the foregoing, I note that there are no shelters available to male VOTs in Albania as confirmed in the respondent's CPIN at 12.3.1.
43. The evidence of the appellant indicates that he would be reluctant to seek whatever assistance could be provided to male VOTs. There are references in the country reports as to the relevance of cultural reasons relating to honour and shame in Albanian society which prevents male VOTs from coming forward.
44. Given that the appellant has already shown an unwillingness to speak about his experiences of ill treatment to mental health professionals in the United Kingdom it is most unlikely that he would identify himself as a victim of trafficking in Albania. I find that it will be necessary for the appellant to so identify himself, given what is said in the ASYLOS report about the need to be identified as a VOT to access any reintegration facilities. The same report also refers to the accompanying risk of stigmatisation.
45. The appellant has demonstrated a well-founded fear of persecution in Albania for a refugee convention reason.
46. As the appellant has made out his claim to be a refugee, it is unnecessary to spend much time on considering whether there would be very significant obstacles to his reintegration in Albania. It is abundantly clear that there are such obstacles, with particular reference to the medical evidence as to the risk of his mental state deteriorating if removed to Albania.
47. The appellant's appeal is allowed.



**Decision**

**The appellant's appeal is allowed on protection grounds and also under Article 8 ECHR.**

T Kamara

Judge of the Upper Tribunal  
Immigration and Asylum Chamber

**7 October 2024**

**NOTIFICATION OF APPEAL RIGHTS**

1. A person seeking permission to appeal against this decision must make a written application to the Upper Tribunal. Any such application must be **received** by the Upper Tribunal within the **appropriate period** after this decision was **sent** to the person making the application. The appropriate period varies, as follows, according to the location of the individual and the way in which the Upper Tribunal's decision was sent:

2. Where the person who appealed to the First-tier Tribunal is **in the United Kingdom** at the time that the application for permission to appeal is made, and is not in detention under the Immigration Acts, the appropriate period is **12 working days (10 working days, if the notice of decision is sent electronically)**.

3. Where the person making the application is in detention under the Immigration Acts, **the appropriate period is 7 working days (5 working days, if the notice of decision is sent electronically)**.

4. Where the person who appealed to the First-tier Tribunal is **outside the United Kingdom** at the time that the application for permission to appeal is made, the appropriate period is **38 days (10 working days, if the notice of decision is sent electronically)**.

**5. A "working day" means any day except a Saturday or a Sunday, Christmas Day, Good Friday or a bank holiday.**

**6. The date when the decision is "sent" is that appearing on the covering letter or covering email**