



IN THE UPPER TRIBUNAL
IMMIGRATION AND ASYLUM CHAMBER

Case No: UI-2024-003115

First-tier Tribunal No:
PA/53467/2023

THE IMMIGRATION ACTS

Decision & Reasons Issued:

On 23rd of January 2025

Before

UPPER TRIBUNAL JUDGE REEDS

Between

E M
(ANONYMITY ORDER MADE)

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Ms C. Soltani, solicitor advocate instructed on behalf of
the appellant

For the Respondent : Mr M. Diwnycz, Senior Presenting Officer

Heard at (IAC) on 9 December 2024

DECISION AND REASONS

1. Pursuant to section 12 (2) (b) (ii) of the Tribunals, Courts and Enforcement Act 2007, this is the remaking of the decision of Judge of the First-tier Tribunal Forster promulgated on the 27 May 2024, following the decision dated 24 October 2024 of the Upper Tribunal setting aside the decision of the FtT in so far as it related to the issue of internal relocation, the parties having agreed that this constituted a material error of law although the other grounds of challenge advanced on behalf of the appellant were not made out.

2. The FtTJ did make an anonymity order, and no grounds were submitted during the hearing for such an order to be discharged. Anonymity is granted because the facts of the appeal involve a protection claim.
3. 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 or her family members, likely to lead members of the public to identify the appellant or her family members. Failure to comply with this order could amount to a contempt of court.

The background:

4. The factual background can be summarised as follows. The appellant is a national of Albania.
5. The appellant's immigration history is as follows. The appellant and her two children left Albania on 27 January 2019 by car, travelling with two other people. They travelled through Kosovo. She was unaware what other countries she travelled through (AIR 89) Alternatively, they travelled by car to Belgium where they arrived on 31 January 2019 (SCR 3.3). They entered the UK on 01 February 2019 by lorry. The appellant claimed asylum on 25 February 2019.
6. The appellant was referred to the National Referral Mechanism on 3 December 2019 and was issued with a positive Reasonable Grounds decision by the Single Competent Authority on 9 December 2019. The appellant were issued with a positive Conclusive Grounds decision by the Single Competent Authority on 28 March 2022.
7. The basis of her factual claim can be summarised as follows. The appellant is from X in Tirana where she lived with her husband and two children in Albania. She last had contact with her husband on 6 May 2018 when he arrived in Greece for work (AIR 11).The appellant last knew of her husband's location in Greece but does not know where he is now.
8. The appellant stated that she feared a man called E because her husband borrowed money from him and E threatened her after her husband left for Greece (AIR 14-15).
9. In August 2018, around 3 months after her husband left for Greece, E stopped her on the street. He was the employer of her husband. He asked if she knew anything about her husband (AIR 45,50). Alternatively, E was the owner of a shop where her husband gambled and accrued the debt (PIQ). E then informed her that her husband had borrowed 70000 Euros from him. He told her that she would have to work at his house in order to pay back the money (AIR 46). She was shocked and had no knowledge of this debt (AIR 47). The appellant claimed that E threatened that she would have to work for him. At the time she was living with her mother-in-law but did not tell her as she was blaming her for her husband going to Greece.

The appellant did not tell her brother or sister in Albania as she did not want them involved with this man (AIR 52).

10. She did not report E to the police as she thought they would not help due to E's power and influence. From mid-September 2018 she was made to clean a house. It was another person in charge, and she did not meet E again (AIR 54). The house she was forced to work at was in Tirana (AIR 80). She last worked at the house 10 December 2018 (AIR 69) and was not paid for cleaning the house (AIR 55). She would come and go freely from the cleaning job (AIR 56). She was told she would be used for other jobs which she thought involved drugs and prostitution (AIR 59). When told this, she tried to leave and was hit on the head and was unconscious. She woke up on a bed and found out she had been raped.
11. She received threatening messages. She did not report this to the police as she was scared no one would help her (AIR 73).
12. On 15 December 2018, the appellant told her sister in the US what happened, and she stated that she should stay indoors, and she would try and help her leave (AIR 76). The appellant did not tell her mother-in-law what was happening as she did not think she would believe her (AIR 77). The appellant was unsure if they knew where she lived as the men never came to the house (AIR 83).
13. The appellant claimed that she feared E and others who trafficked her, and that if she returned to Albania, she and her children could be exploited (AIR 14-16).
14. The respondent refused the claim in a decision taken on 2 June 2023 which led to the appeal before the FtT in 2024. The respondent accepted that she was a victim of modern slavery but that the appellant had failed to demonstrate that the individuals she had feared (who were non-state actors) had the means or ability to locate her on return given the lack of contact with them since leaving Albania and that she had provided no evidence to demonstrate that E would be able to act with impunity in Albania and that her account and lacked sufficient detail when outlining his asserted influence and that her belief was based purely on speculation .Nor had she demonstrated that the state was either unable or unwilling to offer her protection against their actions.
15. The decision letter considered her claim in the context of the CG decision of TD and AD (Trafficked women) CG[2016] UKUT 92 (IAC) (hereinafter referred to as "TD and AD") and in the light of the relevant updated CPIN's (human trafficking and that which related to actors of protection in Albania). Having set out that material within the decision letter, the respondent's position was that notwithstanding that she had been a victim of trafficking or modern slavery, she would not be at risk of re-trafficking on return nor was there a reasonable degree of likelihood that she would not have access to sufficient protection on return in Albania taking into

account her individual circumstances. The respondent also considered that the appellant could internally relocate to another area in Albania.

16. In a decision promulgated on 27 May 2024, the FtTJ dismissed the appeal. At the time of the hearing the appellant was 45 years of age and had 2 dependents on her claim, one being an adult aged 20 and a child aged 10. He recorded that the appellant had been referred to the National Referral Mechanism ("NRM") on 3 December 2019 and that she had received a positive conclusive grounds decision on 28 March 2022. There was no copy of that decision in the papers before the FtT. In the appeal papers before the Upper Tribunal there is a confirmation letter from the NRM although no decision is annexed to it setting out any factual details or findings.
17. The FtTJ noted the position of the respondent that it was accepted that the appellant was an Albanian national and that the Refugee Convention had been engaged because she had been found to be a victim of trafficking or modern slavery (see paragraph 4). In his factual findings, he set out the "essential facts" which were not in dispute as follows: the appellant had lived with her husband and 2 children in Tirana. She lost contact with her husband after he went to work in Greece in May 2018. The appellant fears a man called E to whom her husband owed money. He demanded that the appellant repay the debt and told her that she had her children where in E's hands. She was forced to work unpaid in a house as a cleaner and was told that she would be used for other jobs involving drugs and prostitution. The appellant said that she was hit on the head and raped. When the appellant did not return to work she received threats and fled with the assistance of an agent.
18. The FtTJ identified the issues in dispute at paragraph 5 as follows: The issues to be determined are: (1) is the Appellant reasonably likely to be at risk on return from traffickers? (2) is there sufficiency of protection for the Appellant in Albania? and (3) could the Appellant relocate? At paragraph 9 the FtTJ set out that "the question was whether the appellant's future fear is well-founded and whether the state offers her sufficient protection such that if necessary she could relocate to another part of Albania."
19. The FtTJ's analysis of the evidence and findings of fact on the relevant issues identified are set out between paragraphs 8-40 of his decision. The FtTJ set out that it had been agreed between the advocates that the relevant case law had been set out in the country guidance case of TD and AD where the tribunal had identified the factors which contribute to the risk of return for women in the appellant's position, which he cited at paragraph 10. The FtTJ then addressed the relevant factors identified by the parties in his analysis of the evidence. Between paragraphs 11 - 20 the FtTJ set out his analysis of the evidence relating to the social status and economic standing of the appellant's family and in particular the issue of family support. For the reasons that he set out within those paragraphs he was satisfied that on the evidence before him that it was reasonably likely that the appellant would have help and support from her brother and

sister in Albania and at least some other members of her wider family in Albania and that she would have assistance from her family abroad to help re-establish herself in Albania. The FtTJ also took into account the chronology and evidence that the appellant and her children were living with her mother in law and her husband's family would not be unwilling to offer their help on return. At paragraph 21 the FtTJ addressed the social status of the family and at paragraphs 22 - 23 considered the appellant's level of education. From the evidence that he had heard and been provided with, he found that the appellant would be in the same position as anyone else seeking work with no higher educational or other skills and that in light of age when she left Albania it was reasonable to infer that she would reasonably be able to find employment to help support herself and her children. At paragraph 24 the FtTJ addressed the issue of her state of health. The FtTJ had not been provided with any medical evidence in respect of her mental health but was willing to accept that she suffered from low mood and had been prescribed antidepressants and had been referred to counselling. He found that the evidence did not suggest that her condition was severe, and it was not claimed at the hearing that medical care would be unavailable in Albania.

20. The FtTJ also addressed the issue of the sufficiency of protection in Albania in the context of her individual circumstances. As to E, the man identified as the person she feared, the FtTJ analysed the evidence given by the appellant and made finding that her account of his influence was speculation on her part. He took into account that it was more than 5 years since the events that caused the appellant leave Albania and that it was not reasonably likely that either he or his associates would still be actively looking for the appellant. He also found that there was no evidence about what happened during the 5 years since she left Albania or what had happened to her husband and whether he was in Greece or had gone back to Albania. He concluded that any risk from E and his gang was much reduced from when she left Albania in 2019.
21. The FtTJ therefore identified the issue was whether the Albanian authorities could offer her sufficient protection. Having considered the relevant case law in the context of the CG decision and also relevant CPIN's the FtTJ concluded that she would not be at risk of harm on return to Albania, that he accepted the external evidence that the Albanian state had adopted measures to deter and therefore to prevent harm and having considered the cumulative weight of the circumstances in her particular case reached the conclusion that the support available to her in Albania would be sufficient protection. He also found that she would be assisted by her family in Albania and those abroad and would be able to safely relocate to another part of Albania. He therefore dismissed the appeal.
22. The appellant applied for permission to appeal, and it was granted by UTJ Meah on the 30 July 2024.

23. The hearing took place on 23 October 2024. The appellant was represented by Ms Soltani, Solicitor advocate and the respondent by Ms Young, Senior Presenting Officer. The decision on error of law is set out below:

Decision on error of law:

24. Dealing with the grounds advanced on behalf of the appellant, Ms Soltani relied upon paragraphs 2 and part of paragraph 4 in the written grounds. They relate to the issue of family support. At paragraph 2 it is stated the appellant could contact her family in Albania for assistance. It is stated the explanation that she wishes to keep them safe is not accepted. However if this is the genuine belief of the appellant she cannot be expected to make such contact where she believes this would put them at risk. It has also not been considered that if it is known where her family reside this contact may alert those who are seeking her to her whereabouts.

25. Paragraph 4 states that much reliance is placed on the support of family in USA. However this could not amount to practical support.

26. As to the issue of family support, the FtTJ set out his factual findings and analysis of the evidence on that issue between paragraphs 12 - 20 of his decision. It is plain from reading those paragraphs that after hearing the evidence the FtTJ reached the conclusion that the appellant had sought to understate the size of her family in Albania (see paragraph 19 of his decision) . This is consistent with his finding at paragraph 13. In his analysis of the evidence he identified a number of relatives whom he was satisfied could provide a level of support to the appellant.

27. The appellant's evidence was that she has 2 brothers - one in Albania and the other in the USA (see paragraph 14). Contrary to the grounds the FtTJ did take into account the appellant's evidence that she was not in contact with her brother in Albania because she wanted to keep him safe (see paragraph 14), but the FtTJ was entitled to reach the conclusion that this was not consistent with her evidence and her account that the appellant had been able to and had been in contact with her sister in Albania. At paragraph 15 the FtTJ set out the appellant's evidence that the appellant had been in contact with her sister in Albania "last month". The FtTJ was therefore entitled to conclude that he could see no reason why she would not be able to contact her brother without putting him in danger. The grounds are no more than a disagreement with his factual assessment of the evidence.

28. The FtTJ also made findings of fact that the appellant had family in the USA including her parents and a sister in the USA as well as her brother. The judge found that it was 1 of her sisters in the US who had paid for the appellant to leave Albania (see paragraph 15), and it was

this sister who had contacted the agent who arranged the appellant's journey across Europe to the UK (see paragraph 16). Her sister visited Albania every year and had a house in Albania (see paragraph 16). On the question of support already given to her she appeared to accept in her evidence that they might be able to help her to relocate to another place in Albania as recorded at paragraph 17. There were also a number of other family members in Albania identified in the evidence including 3 maternal uncles, 2 maternal aunts and their children; some still remaining in Albania and also 2 paternal uncles and 2 paternal aunts.

29. On the totality of the evidence, the conclusions reached on the issue of family support set out at paragraphs 18 and 19 were findings open to the FtTJ on the evidence before him; that the appellant was from a large family and that it was reasonably likely that some of the family would be willing to offer support and that she would have assistance both from those in Albania and from her family abroad to help her re-establish herself in Albania. The FtTJ also identified at paragraph 20 that before she left Albania she and her children were living with her mother-in-law and was entitled to find on the evidence that given the previous assistance provided that there would be no reason to believe that she would not be willing to offer help on return. For those reasons there is no error of law in the assessment made by the FtTJ of the issues of family support and the matters raised in the grounds.

30. The written grounds at paragraph 3 state that significance is placed on the death of E however it is clear from the account that he was not acting alone, and he was part of a larger criminal organization, and the debt remains outstanding. As such it cannot be said the threat disappears. There is no consideration of the size and reach of those whom the appellant fears.

31. In her oral submissions Ms Soltani submitted that this was a challenge to paragraphs 26 - 29 of the FtTJ's decision and it related to the reach of E and the assessment of risk from him. In this context she submitted that the FtTJ referred to the fact that E was dead, but the appellant's account was that he was not acting alone and that he was part of a larger criminal organisation, and the debt remained.

32. There is no error of law in the FtTJ's assessment based on those submissions. The respondent had provided evidence by way of a newspaper article that the person with the same/similar name had died. The FtTJ recorded the inconsistency in the appellant's evidence at paragraph 26 and that whilst she had been provided with the evidence she had rejected it without any reasons as "just an allegation" but had chosen to believe what she had heard about E. Contrary to the submissions made, the FtTJ considered the evidence concerning E and his " reach or influence" in the context of the evidence. As recorded by the FtTJ when the appellant was asked

about E and how she knew about him she said it was “from the news”. She confirmed that she had not met him but that she said he had connections with the police. The evidence given both before the FtTJ and in the witness statement (paragraph 3) is no more than generalised evidence and the FtTJ was entitled to reach the conclusion based on the totality that this was speculative on her part. As the FtTJ stated if E was in fact dead it would reduce any risk to the appellant. However as Ms Young submits, in any event the FtTJ considered the risk from both E and his gang at paragraph 26, 28 and 29. The FtTJ was entitled to take into account his finding that the appellant’s evidence was speculative (see paragraph 26) and that it was 5 years since the events had taken place and that it was not reasonably likely that E or the gang would still be actively looking for the appellant (paragraph 26) and that any risk would be much reduced from when she left Albania in 2019. At paragraph 28 the FtTJ also found that there was no evidence as to what had happened in the 5 years since she had left Albania nor what had happened to her husband and whether he was in Greece or in Albania. As the FtTJ stated at paragraph 29, the question was whether the authorities would be able to offer protection. Having considered those factual findings in the context of the evidence, those were findings that were reasonably open to the FtTJ to make on the evidence, and it has not been demonstrated that the FtTJ either gave inadequate reasons or failed to take into account the evidence.

33. Ms Soltani also sought to argue that the FtTJ had made inconsistent findings and referred to paragraph 8 where the FtTJ stated that the appellant was forced to work unpaid in a house as a cleaner and told that she will be used for other jobs involving drugs and prostitution, but that the FtTJ at paragraph 28 stated that “the appellant was not trafficked she was subject to threats and coercion because her husband owed bad people money”. There is no inconsistency. The FtTJ was plainly aware of the appellant’s account which had been summarised in the decision letter and also that he had set this out at paragraph 8. As the FtTJ stated the essential facts were not in dispute (see paragraph 8). What the FtTJ had stated at paragraph 28 was that the appellant had not been trafficked outside of Albania which was in fact the position. The appellant had been found to be a victim of modern slavery as the NRM decision sets out and that she had been subject to threats and coercion because her husband owed a debt. That also was a factually correct statement made by the FtTJ. It is tolerably clear on a reading of the totality of the decision that the FtTJ did not misstate the appellant’s case.

34. The last point relied upon is that set out at paragraph 6 which relates to sufficiency of protection. It is submitted the appellant was trafficked within Albania which is a clear indication of the inability of the authorities to protect the appellant. They have acted with a level of impunity within Albania and the facts of the case indicate the authorities did not assist in the past. This is indicative of future

treatment. There is no suggestion the money could be repaid and therefore the appellant remains vulnerable to trafficking in the future. This has not been considered. Paragraph 4 of the written grounds also sought to argue that the FtTJ did not take into account that she suffered from mental health issues, had limited education was a single parent when considering the issue of sufficiency of protection.

35. Ms Soltani in her oral submissions submitted that the background history was indicative of the future risk and that the findings made as to the sufficiency protection could not stand if the assessment of risk was flawed as based on her earlier submissions.

36. For the reasons set out earlier in the decision, I find no error of law in the assessment of risk undertaken by the FtTJ on the basis either advanced and the grounds or in the oral submissions. In his factual findings the FtTJ undertook an analysis of the relevant factors identified in TD and AD and as relevant to the issue of sufficiency of protection. As Ms Young submitted, the FtTJ did make factual findings as to the appellant's mental health at paragraph 24 of his decision. The FtTJ was not provided with any medical evidence in support but took into account she suffered from low mood and had been prescribed antidepressants and referred to counselling. However he was entitled to find that her condition as she described was not severe and it had not been claimed that medical care would be unavailable in Albania. Similarly he made factual findings on the issue of her education (paragraphs 23) and as to being a single parent, he made factual findings about the level of support that she could receive from family(see paragraphs 12 - 20).

37. As to the issue of sufficiency of protection, the FtTJ undertook a careful analysis of the evidence which included consideration not only of the country guidance decision in TD and AD but also the country background information set out in the relevant CPIN's. The decision demonstrates that the FtTJ lawfully considered the relevant standard of protection by reference to the decision in Horvath (see paragraph 31) and by reference to the country guidance decision TD and AD which held that there was in general "Horvath" standard sufficiency protection available in Albania although recognising it will not be effective in every case (see paragraph 32). The FtTJ went on to consider the issue in the light of the relevant country materials and at paragraph 33 set out the steps taken by the Albanian authorities to address trafficking in the legal framework and policy. The FtTJ was entitled to take into account the evidence of reintegration programmes and the availability of shelters set out in TD and AD but also in the context of the evidence in the CPIN which had been recorded in the decision letter. The FtTJ was also correct to identify that the burden was on the appellant to explain and substantiate why the "layers" of protection available by the Albanian state, in the form of shelters, support and reintegration services would be unavailable to her. It was not sufficient to simply assert that the police were

corrupt and would not help her (see paragraph 36). In considering that issue, the FtTJ took into account the submissions made on behalf of the appellant at paragraph 37 but was entitled to reach the conclusion that he accepted that the external evidence (which I take to mean the country evidence) demonstrated that the Albanian state had put sufficient measures in place to deter and therefore to prevent harm to those who had been trafficked or subject to modern slavery. This was considered in the light of the appellant's individual characteristics which the parties had agreed as relevant and as identified in TD and AD (as set out in the self-direction at paragraph 10) which the FtTJ proceeded to consider in his analysis of the evidence and by reference to the appellant's individual circumstances. Consequently the FtTJ undertook an analysis of the issue of sufficiency of protection in accordance with the law and in accordance with the evidence and reached conclusions that were open to him on the evidence that was before him having addressed the issue by reference to this particular appellant's individual characteristics. For those reasons there is no error of law in the FtTJ's assessment on the basis of the grounds advanced.

38. The last issue relates to internal relocation. On this the parties are agreed. Whilst the Rule 24 sought to argue that internal relocation had been considered, Ms Young on behalf of the respondent at the hearing conceded that the FtTJ's issue was inadequate and would require remaking on this issue only.

39. The concession made by Ms Young did not include any concession made in respect of the other grounds relied upon which the respondent submitted had not been established.

40. For the reasons that are set out in the preceding paragraphs, I have reached the conclusion that the other grounds are not made out. Whilst Ms Soltani sought to argue that if there was an error on either on the risk assessment or on the issue of sufficiency of protection the entire decision should be set aside and remitted to the FtT for a rehearing, neither of those submissions have been established. For the reasons given the FtTJ has lawfully addressed the issue of risk and sufficiency protection in his decision and the grounds advanced, both written and oral, do not establish an error of law in those assessments and they therefore stand as assessed.

41. The issue of internal relocation remains outstanding because notwithstanding the factual findings made by the FtTJ, which in my view are also relevant to the issue of internal relocation, he did not apply those factual findings to the test of whether it would be unduly harsh or unreasonable for the appellant to relocate to a different area in Albania and that issue remains to be determined in the context of the factual findings made in his decision which are not infected by any asserted error of law and for which the FtTJ had given adequate and sustainable reasons.

42. That being the case, the decision can be remade by the Upper Tribunal by considering the issue of internal relocation. It was not possible to remake the decision at the hearing as the appellant was not present.

43. In the circumstances, the decision to dismiss the appeal should be set aside but for the avoidance of doubt the factual findings made by the FtTJ in his decision are preserved findings and shall remain (they include family support paragraphs 12-20, social status (paragraph 21), education (paragraph 23), appellant's health (paragraph 24), the assessment made between paragraphs 25-39). The Upper Tribunal shall proceed to remake the decision on the issue of internal relocation on a date to be fixed in accordance with the directions accompanying this decision."

Remaking hearing:

24. The appeal was listed on the 9 December 2024. Ms Soltani appeared on behalf of the appellant and Mr Diwnycz appeared on behalf of the respondent.
25. At the outset of the proceedings it was necessary to address the 3 applications made on behalf of the appellant under Rule 15(2A) which had been uploaded to the electronic file on different dates, the last one uploaded on the 4 December 2024. The first application had been made prior to the error of law decision and consisted of a letter from Single Competent Authority dated 28 March 2022. The letter did not attach to it any grounds. That document was admitted at the error of law hearing. The 2nd Rule 15(2A) application was made on the 29 November 2024 which sought to admit a supplementary witness statement of appellant dated 22nd November 2024 a letter from the appellant's GP and an appointment letter for Talking Therapies dated 31st July 2024 (pages 32-39 CEF). The 3rd Rule 15(2A) application was uploaded to the electronic file on 4 December 2024 consisting of a letter from the therapist dated 7 November 2024 and 3 online articles. Those documents were not in the consolidated bundle. Mr Diwnycz did not object to these documents being admitted as part of the appellant's case.
26. At the outset of the hearing steps were taken to ensure that the evidence was available to both advocates and the Tribunal. There had been a bundle of documents provided by the appellant which had been before the Upper Tribunal previously and relied upon by the appellant at the error of law hearing. It also contained the respondent's bundle which included the previous decision of the FtT, the interview record and decision letter.
27. No separate bundle had been served and filed on behalf of the respondent.

28. Ms Solani had prepared a skeleton argument for the hearing. Mr Diwnycz confirmed that there was no skeleton argument filed on behalf of the respondent nor any additional bundle but confirmed that he relied upon the most CPIN relating to Albania.
29. There had been no application made from Ms Soltani that I should invoke the Presidential Guidance Note (no2 of 2010) Children, Vulnerable Adult and Sensitive Appellant Guidance and the Senior President of the Tribunal's Practice Directions (2008) on Child, Vulnerable Adult and Sensitive Witnesses. However in light of the medical evidence provided in the recent evidence, I indicated to the advocates that I would apply the guidance where appropriate. When asked if there were any particular measures that were required for the appellant Ms Soltani confirmed that there were none. The way in which the proceedings would be conducted was explained to the appellant, and she was informed that there would be appropriate breaks when necessary. As it was the cross examination was not long. The appellant gave her evidence with the assistance of an interpreter in the Albanian language. There were no problems identified with the interpretation and both the interpreter, and the appellant confirmed that they were able to understand each other.
30. The appellant confirmed the witness statement that had been filed for the remaking hearing as her evidence in chief. There were no additional questions asked in chief.
31. In cross examination the appellant was asked about the letter from the talking therapies team (discharge summary) and whether anyone had explained this to her? She stated that no one had explained it to her, but it had been sent to her GP. She said she had therapy but did not know what was in the letter. It was suggested to her that they had identified no risk of harm, but she was happy and was coping well and there would be no further assistance provided. She did not agree with that, stating that they had told her that she would have to finish the sessions. When asked if there was a further letter setting this out she confirmed there was no other letter. She was asked if she had tried to obtain further sessions. She stated that she was told that she had finished the sessions with the therapist and that she was going to be referred further but she did not know if she had to go to the GP. It was suggested to her that they had not referred her for any further therapy but that they were relying on her for a self-referral to the GP. She confirmed that that was how she understood it to be and that she had asked and was told that she was on a waiting list. However she was asked when she had asked to be referred to the team she stated that she had never made the referral but thought they had made the referral. She agreed with Mr Diwnycz that she had not asked for referral but thought that they were referring her for further sessions.
32. Mr Diwnycz asked questions about the clipping/news article and what Pamfleti was? She stated that it was a news portal. When asked if she had found them or whether they were found for her she stated, "I have seen

them". She was asked what language they were in when she saw them? She stated "Albanian".

33. The document 31/7/2024 were shown to her and she was asked who had translated the article? She replied that she was not sure, but she did not translate it. She found the article in the Albanian language and her daughter helped her find it in English on the portal. She said it was her daughter who found them, but she had read them herself in Albanian.
34. It was put to her that the problem with the translation that had been provided was that it was not done by an authorised translator for the purposes of the hearing but from a website and was therefore not necessarily reliable. The appellant said that she did not know how it had been translated.
35. Dealing with the main part of the article she was asked if she was aware if E was dead? She said that she was not aware . The document in the respondent's bundle (p334) dated 11/8/22 referred to him being dead for over 2 years and therefore it was put to her that she could not fear him as he was dead. The appellant stated that he was not a lone operator and had "a big group" and that the person who harmed her was not him but someone from the group who did it on instructions.
36. The appellant was asked about the interview that had taken place and in particular questions 14 and 15 (p223), where she had been asked to describe who she feared in Albania, and she said she feared the person E. It was put to her that the questions did not say that she feared anyone else but that she feared E who had threatened her. She agreed that she had said this, but she had also said that it was one of his people who had harmed her. Mr Diwnycz clarified that he was talking about the confrontation with E and that it was he who had confronted her and to confirm whether that was correct. The appellant confirmed that he was that man.
37. When asked again about the news article, it was put to her that nothing in the article suggested that the evidence that the respondent has provided that E was dead was incorrect. The appellant stated that she was relying on the news and that she had no concrete answers.
38. Neither advocate had any further questions for the appellant.
39. At the conclusion of the evidence each party had the opportunity to provide their closing summary. I am grateful for the helpful submissions proved by both advocates.
40. The submissions made on behalf of the respondent are summarised as follows. Mr Diwnycz submitted that the respondent's position had not changed since the decision had been reached previously and that internal relocation was feasible for the appellant. He submitted that the preserved findings remained relevant to the issue.

41. As regards the new evidence provided, he submitted that there was a degree of confusion in respect of the letter from the talking therapies body but that it was apparent that a referral had not occurred.
42. As to the news article purporting to concern E and his associates, he submitted that a proper objection to it was that it had not been translated by a certified translator and the original article had been written in Albanian. It looked as though it had been translated through AI as the syntax did not read well and it was difficult to see what they were hinting at therefore the weight attached to the documents is lessened. It should have been provided via certified translation.
43. As to the previous evidence, E had been dead for 2 ½ years. The article does not give any information about his associates and is very vague and therefore should be treated with some circumspection.
44. Mr Diwnycz submitted that the appellant could internally relocate to a different part of Albania should she wish to. Whilst Albania is a small country there are several large cities available, and provision is available as set out in the CPIN section 5 July 2024 and the country guidance caselaw. It was not objectively likely that she would be targeted in Tirana or elsewhere.
45. Ms Soltani relied upon her skeleton argument and supplemented them with her oral submissions. I summarise them as follows.
46. Ms Soltani referred to the country guidance decision headnote and that internal relocation could not be considered reasonable for the appellant.
47. As to the findings of fact made by FtTJ Forster, he stated at paragraph 29 that she may be at risk from E, but the risk was very much reduced from E and that in terms of qualifying risk it was not necessarily clear. However she submitted the attempt to say that she only feared from E is not correct. Whilst in her asylum interview she answer specific questions as to who she was frightened of, in her PIQ (p212) she referred to E as being a very powerful man who has links all over the country. In the original witness statement (p46; paragraph 3) she stated it was not possible to return to Albania because the people she feared were very dangerous people who had connections with the police and that they would find her on return. Furthermore at paragraph 29, FtTJ Forster referred to E and his gang. Therefore it was also claimed that E was the main man but operated in a large enterprise. It was a different picture and not just fearing just one man who might be dead.
48. As to the news article, Ms Soltani accepted that it was not a certified translation and took the point that they had not been so certified but that the respondent's article had not been either, referring to there being a black square in the top right which was the Albanian flag. She submitted weight had been placed on this article by the respondent therefore she left

it to the Tribunal to make an assessment as to the reliability of the articles. She further submitted that some of the English was not fluent in the news articles provided by the appellant, but the sense of the document was clear and goes to the issue of E's gang. She submitted FtTJ Foster had said that the appellant may be at risk due to the gang and the article submitted therefore provided grounds to deviate from that assessment as FtTJ Forster did not appreciate this was a gang who knew what they were doing and acted with impunity. They have gone into public spaces and shot people therefore were not afraid of the authorities.

49. She therefore submitted that the appellant could not internally relocate safely from the gang.
50. Applying the factors set out in the headnote, she submitted that the appellant is a lone female with 2 children, (aged 20 and 10). She had some basic education and had worked as a cleaner but had been supported by a husband who would resorted to borrowing money to support the family. The medical evidence was that she suffers from mental health issues (p36 GP records and the talking therapies letter). She submitted that she was confused about being referred but the letter is clear that she would be referred when she is able to deal with the trauma. With that in mind it is not reasonable for the appellant to internally relocate to avoid the risk of harm.
51. Ms Soltani submitted that in terms of the object material there is only one shelter which would have accommodation for mother and children (see CPIN 2023 11.1.5 shelters in Tirana) and Vlore only has 28 beds (11.1.8).
52. Ms Soltani submitted that there was a low threshold for risk and there was no evidence about the gang, which demonstrated there would be a risk to the appellant and in the circumstances internal relocation was not reasonable.

Discussion:

53. 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.
54. 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.

55. The degree of likelihood of persecution needed to establish an entitlement to asylum is decided on a basis lower than the civil standard of the balance of probabilities. This was expressed as a "reasonable chance", "a serious possibility" or "substantial grounds for thinking" in the various authorities. That basis of probability not only applies to the history of the matter and to the situation at the date of decision, but also to the question of persecution in the future if the appellant were to be returned.
56. The Immigration Rules provide at paragraph 339L as follows:
- 'It is the duty of the person to substantiate the asylum claim or establish that they are a person eligible for humanitarian protection or substantiate their human rights claim. Where aspects of the person's statements are not supported by documentary or other evidence, those aspects will not need confirmation when all of the following conditions are met:
- (i) the person has made a genuine effort to substantiate their asylum claim or establish that they are a person eligible for humanitarian protection or substantiate their human rights claim.
 - (ii) all material factors at the person's disposal have been submitted, and a satisfactory explanation regarding any lack of other relevant material has been given.
 - (iii) the person's statements are found to be coherent and plausible and do not run counter to available specific and general information relevant to the person's case.
 - (iv) the person has made an asylum claim or sought to establish that they are a person eligible for humanitarian protection or made human rights claim at the earliest possible time, unless the person can demonstrate good reason for not having done so; and
 - (v) the general credibility of the person has been established.'
57. As to internal relocation, Rule 339O, which is included in Part 11 of the Immigration Rules, deals with the possibility of "Internal relocation". It states:
- "(i) The Secretary of State will not make:
- (a) a grant of refugee status if in part of the country of origin a person would not have a well-founded fear of being persecuted, and the person can reasonably be expected to stay in that part of the country; or
 - (b) a grant of humanitarian protection if in part of the country of return a person would not face a real risk of suffering serious harm, and the person can reasonably be expected to stay in that part of the country.
- (ii) In examining whether a part of the country of origin or country of return meets the requirements in (i) the Secretary of State, when making a decision on whether to grant asylum or humanitarian protection, will

have regard to the general circumstances prevailing in that part of the country and to the personal circumstances of the person.

(iii) (i) applies notwithstanding technical obstacles to return to the country of origin or country of return."

58. The Supreme Court in SC (Jamaica) v SSHD [2022] UKSC 15, set out at paragraph 95:

"The correct approach to the question of internal relocation under the Refugee Convention is that set out in Januzi at para 21 and in AH (Sudan) at para 13 (see paras 58 and 59 above). It involves a holistic approach involving specific reference to the individual's personal circumstances including past persecution or fear thereof, psychological and health condition, family and social situation, and survival capacities in order to determine the impact on that individual of settling in the proposed place of relocation and whether the individual "can reasonably be expected to stay" in that place. It does not take into account the standard of rights protection which a person would enjoy in the country where refuge is sought."

59. The burden of proof remains on the appellant to prove why internal relocation within Albania would be unduly harsh; see MB (Internal relocation - burden of proof) Albania [\[2019\] UKUT 392 \(IAC\)](#).

60. The country guidance decision of TD and AD (Trafficked women) CG [2016] UKUT 92.

61. The headnote of TD and AD is as follows:

Much of the guidance given in AM & BM (Trafficked women) Albania CG [2010] UKUT 80 (IAC) is maintained. Where that guidance has been amended or supplemented by this decision it has been highlighted in bold:

"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.*

62. In reaching my decision I have had regard to all the evidence before me, whether or not it is referred to. I am grateful to the advocates for the assistance they have given during the hearing.
63. The starting point for the issues relating to the appellant are the preserved findings of the FtTJ. They are summarised in the “error of law” decision which is replicated above.
64. The FtTJ made it plain that the essential facts were not in dispute. They were as follows. The appellant lived with her husband and 2 children in Tirana, and she lost contact with the husband after he went to work in Greece in May 2018. The appellant met a man called E to whom her husband owed money. E demanded that the appellant repayed the debt and holder she and her children were now in his hands. She was forced to work unpaid in house as a cleaner and was told that she would be used for other jobs involving drugs and prostitution. The appellant was hit on the head and raped. When she did not return to work she received threats and fled with the assistance of an agent.
65. In his assessment on risk, FtTJ Forster made the following findings:
 - (1) The appellant was not trafficked out of Albania, but she paid an agent to help her leave the country and to travel to the UK.
 - (2) The NRM had made a positive conclusion that the appellant had been subject to modern slavery. This put her at risk of being trafficked on return (see paragraph 25).
 - (3) As to those she feared, the FtTJ addressed this at paragraph 26. The FtTJ stated that the person she says she fears is E. When the FtTJ asked her about how she knew him the appellant told the judge that it was “from the news”, she had not met him but said that he had connections with the police as when the people threatened her they had told her that the police work for him. The FtTJ found that this was speculation on her part (see paragraph 26).
 - (4) The FtTJ also referred to the evidence relied upon by the respondent set out at page 334 of the bundle. This is a news article which referred to the man E as being dead. The FtTJ set out the appellant’s response to this material-she rejected it saying it is, “just an allegation”. The FtTJ concluded on this issue as follows, “ the appellant chooses to believe what she has heard about E but for no good reason rejects that he is alive. If E is dead this would reduce the risk to her. In any event, it is now more than 5 years since the events that caused the appellant to leave Albania, and it is reasonably unlikely that E or his gang are still actively looking for the appellant.

- (5) In this context the FtTJ also set out at paragraph 28 that the appellant had not been trafficked but that she had been subject to threats and coercion “because her husband owed bad people money”.
- (6) As to the claim that the risk is that the same people would still want to get her to give the money back, the FtTJ found that, “I have no evidence to tell me what has happened in the 5 years since the appellant has left Albania, not least what has happened to the appellant’s husband whether he is in Greece or gone back to Albania” (paragraph 28).
- (7) At paragraph 29 the FtTJ concludes that, “in my assessment of the appellant may be at risk from E or his gang but the risk is much reduced from when she left Albania in 2019. The question is whether the authorities can offer her sufficient protection.”

66. Those findings of fact which relate to the issue of risk stand as the preserved findings for the reasons set out in the error of law decision. Ms Soltani submitted that the assessment made by the FtTJ was not clear as set out at paragraph 29 and the reference to “may be at risk from E and his gang but the risk is much reduced from when she left Albania in 2019”. That was not an argument that had been advanced in the grounds at the “error of law” hearing but what had been advanced was that the FtTJ had not properly considered risk. The grounds of challenge which sought to argue that the findings made on risk were in error and not open to the FtTJ were rejected for the reasons given in the “error of law decision”. Consequently those findings which are summarised above stand as the preserved findings of the FtTJ and the starting point of the factual assessment.
67. Further, paragraph 29 goes on to state, “the question is whether the authorities can offer her sufficient protection.” The FtTJ then set out his reasoning on the sufficiency of protection in light of the appellant’s particular circumstances between paragraphs 30 – 37. The assessment of sufficiency of protection was challenged at the error of law stage but for the reasons given I concluded that the grounds on this issue were not made out and that the FtTJ’s assessment was one that was reasonably open to him having properly considered the country materials in light of the country guidance case and in the context of the factual findings made.
68. If there was any lack of clarity it was as a result of paragraph 40 in the context of paragraph 29 and whether she was at risk in her home area. At paragraph 40 the FtTJ concluded that “the appellant failed to demonstrate that she had a well-founded fear of persecution in Albania for a Convention reason and that she would face a real risk of serious harm. I find that the appellant assisted by her family in Albania and abroad will be able to safely relocate to another part of the country.” At paragraph 29, FtTJ referred to the appellant as “may being at risk”, but that the risk was much reduced when she left Albania in 2019 and went on to identify the

question of whether the authorities could offer her sufficient protection. He found that there was sufficiency of protection for her . Thus paragraph 29 when read with paragraph 40 and taken together led to his conclusion that she would not face a real risk of serious harm in Albania. However that was tempered by the final sentence, “I find the appellant assisted by her family in Albania and abroad will be able to safely relocate to another part of the country” and thus the view taken by Ms Young, the senior presenting officer at the earlier hearing was that the issue of internal relocation was a live issue, and it was the issue that had not been adequately reasoned.

69. Ms Soltani further submitted that when assessing risk, the submissions made by Mr Diwnycz which sought to argue that the appellant was only in fear of E is not correct.
70. I have considered her submissions in this regard. Whilst Ms Soltani relied upon the appellant’s earlier witness statement where she referred to E as a very powerful man who had links all over the country (see paragraph 3), this was the written evidence that had been before the FtTJ. In his decision the FtTJ set out that he had asked the appellant expressly what she knew about E and she told him that it was “from the news” and that she had not met him but said that he had connections with the police because when the people threatened her they told her that the police worked for him. The FtTJ’s finding of fact on this issue was that this was speculation on her part (see paragraph 26). He therefore did not accept her evidence given in the witness statement on this issue.
71. What appears to be a discrepancy is the appellant’s evidence as to whether she had met E. In her previous account given in her asylum interview she said that she had been stopped on the road by E who had told her that her husband had borrowed money (Q46). She said she did not know the person but seen him on TV. However she said in answer to the FtTJ that she did not meet him.
72. When giving her account to the NRM (see page 254; 3/12/2019) she had stated to them that she had been forced to clean the home of a man her husband owed money to, and she first encountered him in August 2018, and he informed her that her husband had borrowed €70,000 he then went on to say that she must go and work at his home... . Reference was made to her working for him in September 2018 and she was allowed to go home at night but was not paid for her work.
73. Nonetheless her earlier account taken with the asylum interview both refers to the appellant having met E. I therefore take that as her account.
74. As to who she fears in Albania I am satisfied that her replies in interview were clear that she feared principally from E (see questions 14 and 15). This is consistent with her solicitor’s confirmation in correspondence (see page 217 CEF 15/7/19) that the debt was owed to E and is also consistent

with the decision letter which set out the respondent's case on the evidence that her fear mainly originated around E.

75. That said, I accept Ms Soltani's submission that the appellant did refer to others who were associated with E based on her witness statement at paragraph 3, where she stated it would not be possible for her to return to Albania as her life would be at risk. "The people I fear are very dangerous people". Also, the FtTJ's findings of fact referred to "E and his gang" which the FtTJ did take that into account when assessing risk on return to Albania as set out at paragraphs 26, 28 and 29 which are the preserved findings.
76. Thus for the avoidance of doubt, I find that the evidence demonstrates that the appellant feared principally from E as reflected in the above evidence but that she also referred to others who were associated with him.
77. Ms Soltani sought to argue that the fresh material that had been served in the Rule 15 (2A) application in the form of the Internet articles, was such to demonstrate that the appellant would be at risk on return to Albania whether in her home area or at a place of relocation.
78. Having set out the preserved factual findings of the FtTJ on the issue of risk, I am required to analyse whether the fresh evidence undermines or changes any of those factual findings.
79. In this regard Mr Diwnycz on behalf of the respondent has made helpful and cogent submissions on those documents and their reliability. Those documents had not been put before the FtTJ despite the claim made of the background of E nor in the light of the material advanced on behalf of the respondent concerning the death of E (p334). This was a document in the form of an article from Vox with a heading "the body of E is found divided into 6 parts". It refers to E's body being found on 11 August 2022 after his disappearance was reported to the police by his family. It also refers to E being "renounced for threats" by the commander of the Eagle" forces from the police in Tirana with the launch of a police operation, was declared wanted and his gambling machines and luxury vehicles were seized. The respondent in the decision letter noted that the appellant's fear mainly orientated around E, and he ran a gambling shop. The respondent referred to this external source (i.e. this document) which highlighted the death of a man named E involved in the gambling trade and to have been killed in 2022 who had a similar profile to E.
80. As Mr Diwnycz submits and as Ms Soltani acknowledges and accepts, the material provided by the appellant herself from the Internet articles have not been properly translated in the sense that there is no certified translation available. The 1st article from the Internet, "Pamfleti", appears to have been translated via AI or electronically. Nothing is known about this web resource. The document report is dated 31/7/24. Its contents demonstrate that the article refers to a man called T who was wanted by the police for kidnap having been found in a police mega operation on the

orders of SPAK in May 2022. It refers to the SPAK investigation that took place. SPAK stands for Special Structure against Corruption and Organised Crime, who have jurisdiction over trafficking cases related to organised crime (see paragraph 10.6.6 CPIN July 2024).

81. There are other difficulties with that document other than not being a certified translation. The 2nd page does not appear to follow the 1st page when looking at the type and the layout which is different. Whether the contents of page 2 and 1 are complete is not made clear by the text which starts on page 2. The syntax does not follow properly. Reference is made to allegations concerning E who is referred to as a “disappeared businessman”.
82. The 2nd article from “world today news “also appears to refer to the same incident of a man involved in the kidnap of another in Tirana. Again the document is not a certified translation, and it is not known how that document had been translated. Nor is the provenance of the news article provided. The contents of the article are similarly difficult to follow, and I accept the submission made by Mr Diwnycz that the syntax does not follow thus demonstrating the problems of the translation as it stands being made in English without it being a proper certified copy. In terms of its content it refers to an incident by the police where 5 people were arrested and the man T is “declared wanted”. T is described as part of E’s group. It sets out that he is “declared wanted” by the special prosecutor’s office. It refers to E as someone who has been missing for almost 2 years.
83. Ms Soltani did not seek to make any specific submissions as to the contents of the documents but that in general terms submitted that they demonstrated that the articles submitted therefore provided grounds to deviate from the FtTJ’s assessment as FtTJ Forster did not appreciate the gang who knew what they were doing and acted with impunity. She submitted the issue of weight of the articles should be a matter for me to determine.
84. Neither the document relied upon by the respondent previously or the documents provided by the appellant now have been properly translated by way of a certified translation. There are clear difficulties in the language and syntax in those documents because they have not been translated in the way that they should have been for the use in proceedings and as the Procedure Rules set out. It is not clear what the source of the information or provenance of the articles.
85. Whether E is dead (relying on the 2022 article) or whether in the other articles he has not been seen having “disappeared for 2 years” is not clear but from both sets of material he is not in Tirana or operating there or as before. Furthermore, the articles referred to the police undertaking investigations with SPAK concerning T (who is the main person referred to) and the arrest of others involved.

86. In my judgement the evidence provided on behalf of the appellant as it stands does not demonstrate that the FtTJ's findings on risk were wrong or in error. It was accepted by the respondent in the decision letter that E was involved and that the appellant had been a victim of modern slavery, but it was not accepted that E had influence over the police or the authorities or that he was influential throughout Albania. The FtTJ considered the appellant's evidence as to E's connections with the police at paragraph 26 and found them to be speculative. The evidence provided by the appellant with its evidential shortcomings does not undermine that finding of fact. In contrast the articles and their reference to E and others demonstrates that they do not act with impunity but that large-scale investigations including those undertaken by SPAK have been taking place.
87. That finding is also supported by other relevant factual evidence as follows. The appellant's evidence was neither E or any other person associated with him had ever visited her home directly. She was able to reside in her home for over a month without turning up for work without any interest shown in her (see Q 83) and the evidence demonstrates that neither E nor his associates had the capacity to locate the appellant and her family members whilst she was in Albania although she claims threats were made (see the decision letter). The appellant lived at her mother-in-law's home and there was no evidence that during the period before she left that anyone had been looking for her nor is there evidence before this tribunal that there has been any interest shown in her remaining family relatives, including her husband's family, who remain in Albania. Those matters are reflected in the FtTJ's finding that it was not reasonably clear that E or members of the gang would still be actively looking for the appellant. I therefore consider that the appellant has not demonstrated that on the evidence that she has provided that E is in Tirana or even active in Tirana. Nor has it been demonstrated that E or those previously associated with him are involved with the police or have any influence over the police or the authorities. Even accepting the evidence upon which the appellant relies, the Albanian authorities are actively involved in investigations and taking appropriate action.
88. As to the issue of sufficiency of protection, the assessment of that issue was ventilated at the error of law stage in the proceedings and for the reasons given, I concluded that there was no error of law demonstrated in that assessment for the reasons given and reproduced earlier in this decision. That assessment and findings therein remain as preserved findings and in this respect no new evidence nor any submissions have been advanced which either undermines that assessment or demonstrates that it was made in error. Those findings and the FtTJ's analysis are set out between paragraphs 30 -38 of the FtTJ's decision, and that not only did he find there was a general sufficiency of protection available, but the FtTJ also considered it in the light of the particular circumstances of the appellant when read with the findings made as to risk from E and his gang members.

89. Thus it is against that background and in this context that the issue of internal relocation arises.
90. As set out in the error of law decision the factual findings made by the FtTJ did consider factual issues which were relevant to the assessment of internal relocation and for the reasons given in the error of law decision those findings of fact were ones which were reasonably open to the FtTJ to make on the evidence, and consequently they form the basis of the resumed hearing.
91. The factors set out in TD and AD have been summarised earlier in this decision. When addressing the factors that the advocates have addressed me upon it is relevant to take into account that unlike the appellants in TD and AD, it was accepted that they were unable to join family or unable to look to them for support (see paragraph 2 of the country guidance decision). On the preserved findings made by the FtTJ, whereby he found that there was a wide family network available to the appellant both in Albania and outside Albania who would be able to provide support, the appellant's circumstances are different to those of the appellants in the country guidance decision.
92. In his decision the FtTJ set out the issue of family support that would be available to the appellant on return to Albania between paragraphs 12 - 20. He concluded after hearing her evidence that the appellant had sought to understate the size of her family in Albania and made a finding of fact that it was reasonably likely that the appellant's brother and sister in Albania and at least some members of the wider family would be able to offer her support and that she would also have assistance of her family abroad to help re-establish herself in that country. Reference is made to her being able to stay in her sister's house. That refers to her sister who visits Albania every year and that she has a house there which is left unoccupied for the rest of the time (see paragraph 16). The FtTJ also found that it was one of her sisters in the USA who had paid for her to leave Albania and thus would also be able to provide that support. Thus leading to his overarching finding at paragraph 90 that at least some members of her wider family would be able to offer her support and that she would have assistance from those abroad to help re-establish herself. At paragraph 20 he made a finding of fact that before leaving Albania the appellant and her children were living with her mother-in-law. She had not told her mother-in-law why they were leaving and the judge concluded, "I have no reason to believe that the appellant's mother-in-law and husband's family would not be willing to offer help on return particularly to the children."
93. Those findings of fact were challenged during the error of law hearing at paragraph 4 of the grounds on the basis that the relatives would not be able to offer practical support. That submission was rejected for the reasons set out at the error of law decision, and thus the findings made by the judge were upheld as ones which were reasonably open to him on the evidence and thus were preserved findings for this hearing. I was not

asked to reopen those findings of fact. I note that the appellant has provided a supplementary witness statement, which she seeks to state that she does not speak to her brother in America, "very often" she also refers to him being engaged to a lady in Albania. She also refers to her brother in Albania and that she does not speak to him. However that evidence has already been considered by FtTJ Forster at paragraph 14, and he rejected that evidence finding that the appellant had contact with her sister who lived in Albania there was no reason why she could not contact her brother without putting him in danger.

94. Contrary to her evidence at paragraph 6 that neither of the 2 sisters in America could help with any kind of support, the FtTJ made a finding of fact that 1 of her sisters in America had arranged her journey to the UK and thus found that she would be able to provide future support based on her past history. There was also a house that she visited in Albania every year (see paragraph 16). The evidence of the appellant on this issue remains unsubstantiated and is a disagreement with the finding previously made. There is also no reference to her mother-in-law and the assistance the FtTJ had found was previously available. Thus there is no cogent evidence for those findings of fact to be undermined or changed in any respect. The FtTJ's findings on family support therefore remain.
95. In the light of those findings of fact made, while she is a single parent, insofar as no one knows about her husband's whereabouts and whether or not he is still in Greece, she is not alone in the sense that she is without the availability of family support, which includes both financial and practical support based on those findings made by FtTJ Forster and which are preserved.
96. There is reference in the country guidance decision as to the availability of support on return. Whilst the appellant does not wish to return to Albania and therefore is not eligible to receive assistance via IOM she would still receive the assistance of the Albanian government through the operation of the NRM which could include a referral to a shelter. The material refers to the prioritisation for trafficking victims of access to social housing health and psychological support, employment support and vocational training.
97. The material in the CPIN is mixed when considering the shelters and the thrust of the objective material refer to the shelters being a short-term prospect rather than long-term (see 12.1.8) although once a person has left the shelter, the country materials referred to support still being available (see para 12.1.10).
98. Whilst Ms Soltani has referred to the lack of shelters available, on the factual background of the appellant, she would not require to live in a shelter, given the availability of support but even if she did it would not be for a long period in light of the support that she could be provided with via her extended family. Whilst accepting that there may be challenges to living in a different area, the appellant does have wide extended family

and there is the prospect of support, both practical and emotional available.

99. This is also relevant to the level of education. The FtJ found at paragraph 23 that she had a basic education but that she would be in the same position as anyone else seeking work with no higher educational background. Taking into account her age when she left Albania he found that it was reasonable to infer that she was reasonably able to find employment to help support herself and her children. Taking that finding alongside the material in the bundle which shows that she has been able to integrate well since her arrival in the UK and has attended college having attended a course for ESOL, she has demonstrated some ability to further her education and could utilise this alongside the support from family members.
100. Dealing with the relevant factor of the appellant's state of health, this was addressed at paragraph 24 of the FtJ's decision. There had been no medical evidence before the FtJ when he heard the case in May 2024. However he was prepared to accept the appellant's evidence when she told him that she had suffered from low mood and had been prescribed antidepressants and had been referred to counselling. He concluded that the evidence that she had given did not suggest her condition to be severe but also that it had not been claimed that medical care would not be available in Albania (at paragraph 24).
101. Following that hearing further evidence has been provided. In her supplementary witness statement she refers to having undertaken a course of therapy over a 12 week period. The medical evidence consists of a short summary of GP's notes (p 36) which sets out the medication that she is taking (in the form of antidepressants). Reference is made to PTSD on 18/1/24. The appellant has also attended talking therapies (see letter dated 7/11/24) whereby she completed 12 sessions of CBT to address difficulties with anxiety, depression and trauma. The letter reflects that time was spent managing her distress from the ongoing proceedings and difficulties with her daughter and that she needed to be in London to support her daughter. Her levels of depression and anxiety were both assessed during the 12 sessions as severe; it was stated that there was no risk of harm to herself or others and the key recommendation for her was to be referred to talking therapies service by her GP for a focus upon trauma therapy.
102. During cross-examination there was not a clear picture of whether the appellant knew about the contents of the letter or whether she had any current referral. It appears from the evidence that she is not undergoing any counselling or treatment presently although she is asking for a referral as indicated by her evidence that she was on a waiting list.
103. The medical evidence is deficient in some respects in that there is no evidence as to the diagnosis of PTSD in the form of any report as to who had made the diagnosis or on what basis, nor is there any evidence as to

prognosis or what treatment the appellant should receive beyond the note in the GP summary notes.

104. The appellant has received counselling for CBT, and I conclude from the letter although it is relatively sparse on its contents and diagnosis that they consider that future counselling is required to focus on issues of trauma but at present she is currently taking the medication prescribed for her as indicated before the FtTJ. I accept the medical evidence as it stands although there is no clear picture of any earlier diagnosis given the deficiency of the evidence nor any explanatory evidence as to what any future treatment would address. The medical evidence that is available does not demonstrate that the appellant is unable to function normally. This is supported by the appellant attending college and taking part in fundraising for others, both of which is to her credit. It has therefore not been demonstrated on the available evidence that her mental health is at a stage which limits her ability to function. This also has to be seen in the light of the findings of fact made by the FtTJ that she is likely to have some support from family in Albania. The FtTJ found that the appellant would be able to access medical care and assistance in Albania as it was not claimed that medical care would be unavailable (see paragraph 24). That is also supported by the evidence in the CPIN -Albania Human Trafficking (July 2024 version 16 and the section for the provision of mental health services 4.3.1). There is also reference to the UNICEF 2022 report (see 12.1.3) and that as of December 2021 UNICEF reported that 6357 and receive mental health and psychiatric care; 654 received 20 services as per tailored plans of intervention.
105. The appellant has 2 children. There has been little evidence concerning the circumstances and no specific evidence has been advanced on behalf of the appellant concerning their particular situations. Whilst reference is made to her eldest child who is said to have mental health problems, no details have been provided nor any evidence in support for that. The talking therapies letter appears to refer to her daughter living in London. She is now an adult of 20 years. The appellant also has a dependent child aged 10. The appellant states that he can barely speak any Albanian and is settled in school. There is no up-to-date independent evidence concerning his circumstances. As stated, the appellant would be a single parent as it is not known what has happened to her husband since she left but on the factual findings made by the FtTJ she has wide family network and thus the ability to have some support she could draw upon in Albania. The family unit remains of great socio-economic importance in Albania (see para 92; TD and AD)).
106. As the country guidance case demonstrates, each case has to be considered on its own particular facts and whether internal relocation is unreasonable or unduly harsh must be determined on a case-by-case basis in accordance with the evidence. Taking a holistic view of the evidence, I conclude that it has not been established on the evidence provided that the appellant or her family members would be at risk of serious harm or

re-trafficking on return to Albania. Whilst I accept that the appellant has a subjective fear of return in light of her previous circumstances it is not objectively established that there is such a risk.

107. As to risk from E and those he associated with, it has not been established that there is a reasonable likelihood that they have any influence upon the police or the authorities. Even taking into account the appellant's evidence on this issue as informed by the articles she relies upon, they demonstrate that the police have taken action against the men and that they do not act with impunity. Whilst Ms Soltani refers to the debt, the issue is not whether the debt has been repaid but whether on the evidence that E and his associates are seeking or pursuing the debt. Given the previous findings made by the FtTJ which have not been undermined by any new evidence, there is a lack of evidence of any ongoing interest, or likely interest in the appellant since the original events in 2018. As noted above, the appellant lived in Albania for a month before leaving and the men did not attend at a mother-in-law's home nor is there evidence of any further interest in her since 2018. If the reach of the men were such, even to extend to outside the home area, it is reasonable to have expected them to have been able to locate her whilst still in Albania. When considering the issue of internal relocation and as set out above, there is no dispute that the appellant has mental health problems in light of the evidence provided albeit limited. It was not advanced before the FtT nor the UT that there is no medical treatment available for any mental health problems that the appellant has and that is consistent with the objective country materials.
108. Alongside the availability of the reintegration scheme, and the assistance and support available from her extended family, taking a holistic view of the evidence when considering the particular circumstances of the appellant in the context of internal relocation, it has not been demonstrated that it would be unreasonable or unduly harsh for the appellant to return to a different part of Albania with her family members where it has not been established that she will be at risk of harm in light of the factual analysis set out above and where she would be able to live with the support of her family alongside that offered by the Albanian authorities as demonstrated in the country materials. Therefore in the circumstances the protection claim does not succeed.
109. The decision of the FtTJ involved the making of a material error of law; the decision is remade as follows: the appeal is dismissed.

Upper Tribunal Judge Reeds
Upper Tribunal Judge Reeds

16 January 2025