



IN THE UPPER TRIBUNAL
IMMIGRATION AND ASYLUM CHAMBER

Case No: UI-2024-003158
First-tier Tribunal ref: PA/58019/2023

THE IMMIGRATION ACTS

Decision & Reasons Issued:

On 16th of January 2025

Before

UPPER TRIBUNAL JUDGE LANE

Between

DK
(ANONYMITY ORDER MADE)

Appellant

and

Secretary of State for the Home Department

Respondent

Representation:

For the Appellant: Mr Wood

For the Respondent: Ms Blackburn, Senior Presenting Officer

Heard at Phoenix House (Bradford) on 1 November 2024

DECISION AND REASONS

1. The appellant is a female citizen of Albania born in 1997. She appeals to the Upper Tribunal against a decision of the First-tier Tribunal dismissing her claim for international protection.
2. The First-tier Tribunal decision contains a helpful summary of the background to the appellant's appeal:

The Appellant is a citizen of Albania who was born on 30 December 1997. She arrived in the United Kingdom and claimed asylum on 10 June 2020. She said that she had been forced into a relationship with a much older man named [A] by her family. She left Albania on 15 January 2020 in order to join him in Bologna and, after one week, they travelled to France, where she was ill-treated. She believed that [A] and his associates were trafficking young females. She managed to escape from him and came to the UK, where she has given birth to

two children since her arrival. She said that she feared [A] and also her family on return. In his decision letter dated 29 September 2023, the Respondent accepted the Appellant's identity and nationality. Furthermore, it was not in issue that she had been the victim of domestic abuse at the hands of her family and her ex-partner. It was also accepted that she was a victim of trafficking. A conclusive grounds decision to that effect was notified on 24 August 2023. The author of the decision letter acknowledged that the Refugee Convention would be engaged on the basis that the Appellant was a member of a particular social group. However, it was asserted that she could avail herself of a sufficiency of protection on return, and that she could internally relocate. Accordingly, her application was refused.

3. Upper Tribunal Judge Meah helpfully summarises the grounds of appeal in his grant of permission:

The main points of contention are that the Judge made no reference within his decision to the fact that the Appellant has two children outside of her marriage and the consequences of that on what would happen upon leaving a shelter in Albania, and that by failing to take account of this material matter the Judge's assessment of risk upon return was flawed and unsafe.

It is also argued that the Judge failed to consider whether there would be any risk arising from the appellant's family seeking to trace her and to repeat the domestic violence they subjected her to previously. This was despite stating at [8] of his decision that he was prepared to accept that there might be honour issues with the family which would prevent her from returning to them.

4. Dealing first with the challenge on the basis that the First-tier Tribunal failed to factor in the illegitimacy of the appellant's children when considering risk on return, I find that this ground has no merit. At [12] the judge stated:

Whilst, therefore, a victim of trafficking at the end of any stay in one of the shelters would face the prospect of returning to her family or setting out alone, I am not persuaded that this Appellant would face a heightened level of hardship in the latter option because she is intelligent and educated to an extent which, in my judgement, would enable her to obtain secure employment and housing. I was not satisfied that she would require access to the mental health services at all or to any quantifiable extent. Although there may be suspicion of a woman living alone with two children, the Upper Tribunal held that it is not impossible to live alone in Tirana and that the expectation to do so is not necessarily persecutory.

I am aware that it is not for the Upper Tribunal to complete or perfect a decision of the First-tier Tribunal but, in my opinion, it can be reasonably be inferred that the judge was fully aware that the appellant's children were illegitimate when he assessed the risk to the family in Albania. There is no suggestion in the evidence that the appellant is or has been married to the father of her children and the judge's reference to 'a woman living alone with two children' is a clear indication that the judge was aware of all the facts. It was not necessary for the judge to detail each and every item of evidence and I find that his decision is not vitiated on account of his failure to record expressly the illegitimacy of

the children. The claim in the grounds, therefore, that the judge failed to apply the relevant country guidance (*TD and AD (Trafficked women) CG* [2016] UKUT 00092 (IAC)) and that he ignored the particular vulnerability of women 'who have children outside marriage' is not made out.

5. Secondly, I find that there is no merit in the second ground of challenge, that is that 'Judge Fisher has failed to consider whether there would be any risk arising from her family seeking to trace her and to repeat the domestic violence they subjected her to previously.' The appellant has not challenged the judge's finding that the appellant would be accommodated in a shelter upon return to Albania. Further, the judge found that, upon leaving a shelter, '... she is intelligent and educated to an extent which, in my judgement, would enable her to obtain secure employment and housing. He concluded that the appellant 'would be able to avail herself of a sufficiency of state protection if necessary and that internal relocation would be a reasonable alternative.' Contrary to the assertion in the grounds, the judge did address the risk from the appellant's family and A at [7]:

...there was no evidence before me to demonstrate that [A] has returned to Albania, or that he has any influence there. That is highly significant to the risk of persecution or serious harm. Similarly, there was no evidence to show that the Appellant's own family has any power or influence over the authorities in Albania.

Those findings were available to the judge on the evidence. The finding that the appellant's family could not influence or overcome the state's willingness and ability to protect the appellant and her family should she need to seek help effectively deals with the second ground of appeal.

6. In the circumstances, the appeal is dismissed.

Notice of Decision

This appeal is dismissed.

C. N. Lane

Judge of the Upper Tribunal
Immigration and Asylum Chamber

Dated: 1 January 2025