



**Upper Tribunal
(Immigration and Asylum Chamber)**

Appeal Number: PA/06925/2019

THE IMMIGRATION ACTS

**Heard at Manchester CJC
On 7 March 2022**

**Decision & Reasons Promulgated
On 27 April 2022**

Before

UPPER TRIBUNAL JUDGE HANSON

Between

FL

(Anonymity direction made)

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Ms Jacquis instructed by Malik & Malik Solicitors.

For the Respondent: Ms Young, a Senior Home Office Presenting Officer

DECISION AND REASONS

- 1.** The appellant is a citizen of Albania born on the 23 March 1979 who left Albania on 21 October 2016, arriving in Italy on 22 October 2016, with her two sons, where they remained until 24 October 2016, when she travelled to Paris.
- 2.** Her immigration history recorded by the First-tier Tribunal shows the appellant attempted to leave Paris and travel to the UK but was stopped when trying to board a train.

3. The appellant claimed she met a man who spoke Albanian who told her he could provide her with ID cards for which she paid €1500. The appellant claimed she had obtained this money from selling her home in Albania for either 8 million Lek or 800,000 New Lek.
4. The appellant claims she remained in a Paris hotel until 11 November 2016 before being provided with the ID cards. She was told to travel to the UK via Germany and so went to Düsseldorf in Germany but was detained overnight by the police after she tried to fly to the UK. The identity cards were confiscated.
5. The appellant stated she decided to return to Albania but met an Albanian woman who told her her brother could arrange Italian ID cards. The appellant claimed she contacted the woman's brother in the UK and provided him with their passport photographs and was told to return to Italy. The appellant did so, via Dortmund, and remained there until 18 November 2016. The appellant stated she agreed to pay the man £15,000 for the Italian ID cards and claimed that she and her eldest child agreed to work for him once they arrived in the UK.
6. On 18 November 2016 the appellant received the Italian ID cards, travelled to Venice by train, and then flew to the UK. The appellant was stopped on arrival at which point she claimed asylum.
7. On 9 May 2018 she attended a substantive interview and on 11 May 2018 a National Referral Mechanism reference was made based on the possibility of human trafficking and the appellant being a victim of modern slavery.
8. The First-tier Tribunal Judge recorded the following conclusions as being made following the NRM referral:
 - i. The appellant had been the subject of an active recruitment based on her claim that she had agreed to repay any monies owed by working for the agent on arrival in the United Kingdom.
 - ii. The appellant was in a position of vulnerability.
 - iii. The appellant was not subjected to forced labour/force criminality/domestic servitude/sexual exploitation/organ harvesting or any other kind of exploitation and it was not accepted that she had been recruited/transported/transferred/harboured/received for the purpose of exploitation.
 - iv. It was not accepted that the appellant matched the constituent parts of the definition of slavery namely servitude and forced/compulsory labour.
 - v. It was not accepted that she had been trafficked from Albania for the purposes of any kind of exploitation and it was not necessary to consider whether she required a period of recovery and reflection as per the Competent Authority guidance.
9. The appellant's application was refused by the Secretary of State in a refusal letter dated 22 March 2019. Ms Young in her submissions referred to [36 - 38] and [42 - 44] in which it is written:
 36. Whilst it is noted that victims of trafficking, in certain cases, can be considered a PSG, it is your own evidence that upon arriving in the UK you had disposed of your mobile device had no contact with the feared traffickers (AIR, Q94-95). Therefore, it is considered in your case that you do not meet the requirements of a PSG.

37. The reason you have given for claiming a well-founded fear of persecution under the 1951 United Nations Convention relating to the Status of Refugees is not one that engages the United Kingdom's obligations under the Convention. Your claim is not based on a fear of persecution in Albania because of race, religion, nationality, membership of a particular social group or political opinion.

Nationality

38. In order to be considered as a refugee, a person must be outside their country of nationality (or country of former habitual residence if they are stateless) and be unable or, owing to a fear of persecution, and willing to return to it before they can qualify for international protection as a refugee (or be eligible for Humanitarian Protection).

...

42. During your asylum interview, you adduced information that you are in debt to traffickers and as a result may face persecution. When you are asked information regarding the traffickers, you were unable to provide sufficient detail despite communicating with this individual for a significant period (AIR, Q91, 104). It is considered reasonable for you to provide more information considering the duration you have spent communicating with him. Your failure to provide basic details regarding this individual goes to the core of your claim and your credibility has been undermined.
43. Moreover, during your screening interview when asked your reasons for not being able to return to Albania you state 'economic reasons'. It was not until your substantive asylum interview you claimed that the reason you cannot return is due to your fear of your husband and the traffickers. This undermines your credibility and affects the genuinity and consistency of your claim.
44. In light of the above findings it is considered that you are not at risk of traffickers upon return to Albania.

10. The appellant has provided a substantial volume of evidence in support of the appeal all of which has been taken into account with the required degree of anxious scrutiny.

11. There are preserved findings from the decision of the First-tier Tribunal. Both advocates who appeared before Upper Tribunal Judge Plimmer at the error of law hearing in Manchester on 18 February 2020 agreed that the matters to be re-decided did not include an assessment of risk from the appellant's husband and that the findings at [68] to [69] of the decision of the First-tier Tribunal shall not require revisiting. In those paragraphs the First-tier Tribunal Judge wrote:

68. The appellant did not make any reference to any problems with her husband when spoken to on arrival. She told the immigration officer that she was separated but not divorced and had lived apart from her husband for two years. She did not make any reference to any problems between her and her husband. Her evidence about their property was inconsistent. Initially, she claimed the land she sold was hers (Q1.14) although she later claimed the land belonged to her husband but in her oral evidence, she claimed there were not legal documents notifying ownership. The appellant has the burden of proof and having considered her various claims I find that it is reasonably likely that she was legally able to sell her property. She did not describe any ongoing issues with her brother-in-law and there was nothing in her evidence

to suggest her husband would cause her any problems. She was honest enough to admit she left Albania through economic circumstances rather than through any threat or fear. Nowhere in her screening interview did she make any reference to domestic abuse and although the CPIN (and expert report) to make reference to domestic violence each case is fact sensitive. As the December 2018 guidance states at 2.3.3 “an assessment of risk to a person will depend on the specific circumstances of each particular case.”

69. The Albanian authorities do provide protection and a number of measures have been adopted to improve both the law in regard to domestic abuse and services and support for victims in cases where there has been domestic abuse. Mr Georget acknowledged the respondent, in this current appeal, did not accept that the appellant was at risk of persecution and consequently the expert’s conclusions must be viewed with some caution. Whilst the appellant would need to register if she went to live in a new area, I am not persuaded that her husband or his family would pose any risk to her. In fact, in May 2018 she told her doctor that she was divorced from her husband and she did not describe any violence from him in her discussion with the doctor.
- 12.** It was recorded by Judge Plimmer that it was acknowledged by her representative at that hearing that the appellant’s fears were focused upon the activities of the smugglers and/or their agents, not upon her husband and his associates.
- 13.** In a supplementary witness statement dated 17 November 2021 the appellant claims her life has been extremely difficult, especially due to her medical condition and mental health issues in relation to which she has been diagnosed with anxiety, depression and PTSD. The appellant has been prescribed medication by her GP and claims that her condition has not been helped by the fact her immigration status remains unresolved as she worries both for herself and her sons. The appellant claims that if the case is refused and she has to return to Albania her life will be at risk at the hands of the named individual to whom she claims she owes the €15,000 for assisting her to enter the UK, who it was proposed she would work for, but did not, to repay the debt. He will be able to find her as such people have contacts in Albania in the government, airport and other places, and that it will not be long before he knows that she has returned. The appellant also claims that if returned to Albania she will be targeted for maltreatment by her husband’s family as she sold the family home without permission and that her life would not be worth living and her sons will be made to suffer; although it is a preserved finding that there is no risk from her husband and that she was legally entitled to sell the property. The appellant’s claim therefore to fear her husband or family members on his side on return, for the reasons claimed, I find is without merit.
- 14.** The appellant refers to her condition being affected by the COVID-19 lockdown. Face to face counselling therapies that the appellant attended ended and although she was offered contact on the telephone for future consultations, she found such therapy did not assist.
- 15.** The appellant states at [8] of that statement:

8. If I were to be returned to Albania given my mental health issues, my condition will definitely worsen, I have no familial support there to assist me and my children, and I will not be able to access any treatment and already with the risk and fear I have there, no one will be supportive or help me, I am afraid that instead it will make my situation worse, because without treatment I may relapse and get worse and I fear what will happen to my children, it is unfair that these innocent boys should be made to suffer because of their fathers and mine actions. I feel the most sadness for them if they have to go to Albania and start from scratch when they have built five years of education and opportunities here and in Albania, they will not only have to be in hiding and have no way to build a life, but there will be in constant fear because there is a real danger that they will be harmed or taken.
- 16.** Oral evidence was given by both the appellant and her eldest son before submissions were made by both of the advocates.
- 17.** The evidence included a Home Office Minute Sheet dated 19 November 2016 at 4.30 hours recording the encounter between the appellant and an Immigration Officer, when she attempted to enter the UK, in the following terms:

This passenger with her two children arrived from Venice on BA 2587 and tried to enter the UK using the three Italian ID cards. The forgery officer confirmed after examination that the ID card numbers had been altered. The background print was genuine and they were stolen blanks. The mother admitted they were Albanian and their genuine passports were handed over to the officer. Under their real identities they had previously been refused entry on 24/10/16 for 'No Visa'. The mother claimed asylum. The mother was asked if she was married and when asked if her husband was here they said they did not know his whereabouts.

The passengers ITA ID card was in the name of: VF, her real identity in the ALB passport was FL, dob 23/03/1979.

Her eldest sons ITA ID was in the name of: GF and his real identity in ALB passport was KL, dob: 25/11/2000.

Her youngest sons ITA ID was in the name of DF and his real identity in his ALB passport was RL, dob: 26/09/2005.

Baggage search was done. The passenger with her two children also held Turkish airline boarding passes from Venice to Istanbul for 18/11/16 on TK 1870 from Istanbul to Tirana o TK 1073 on 19/11/16.

I conducted the asylum interview and the key points are:

- The passengers basis of asylum was for economic reasons as she wants to put her sons through school. She said if she went back to Albania she cannot eat, has no bread and cannot put food on the table. She said there was no future for her son there as he has no job and could become a criminal.
- When asked about her husband and she said his name was AL, dob: 15/04/1964 and he was Albanian. She claimed they were not divorced but had not lived together for two years. She claimed he had left with his son from another woman and did not know where he was. She claimed she had no family in the UK but had cousins in Europe who she did not communicate with.
- She said she was refused entry to the UK in Paris as she did not have a Visa. She claims she stayed two weeks in Paris and someone in France gave her a Lithuanian document and was told it was easier to go to Ireland and then the UK as it was an easier route. She paid €1500 for the three of them. She said

she got the money by selling her property, land and cows. She was held overnight by the German police and fingerprinted because of trying to use a forged Lithuanian document. She had €260 now.

- For her trip from Venice to the UK she claimed she had not paid ‘the people’ and will do in the UK when she starts working.
- I asked her why she did not claim in France or Germany and she said she wanted to come to the UK.

The parties position

- 18.** The appellant’s position is that there is a reasonable degree of likelihood that she and/or her sons will face persecution, serious harm or inhuman/degrading treatment on return to her home area in Albania as potential victims of trafficking and exploitation by the individuals who smuggled her into the UK to whom she owes a significant sum of money, and that the Albanian state will be unable to effectively protect her and her children and they will be unable to find safety by internally relocating within Albania, without facing circumstances that will be unreasonable or unduly harsh.
- 19.** The appellant also claims the Secretary of State’s decision disproportionately interferes with her own and her children’s rights to enjoy the private life they have established in the UK.
- 20.** The appellant claims the individual she claims she fears and whom she borrowed the sum of €15,000 from is reasonably likely to have been part of a wider criminal network who are in possession of copies of the appellants and her children’s passports and will be reasonably likely to be able to find them if they relocate and if she was returned to her home area.
- 21.** Although the appellant has not claimed to be a former victim of trafficking and exploitation in Albania she claims that there is a future risk.
- 22.** The appellant asserts that although she is not a victim of previous trafficking per se there are a number of factors arising in her case that means that she may be unable to access sufficient protection from the Albanian authorities and that it may be unduly harsh for her to internally relocate within Albania, which are outlined in the appellant’s skeleton argument the 22 May 2020 in the following terms:
 - a) Firstly, with reference to point (h)(2) [of TD & AD (trafficked women)(CG) [2016] UKUT 92] the appellant is not particularly well educated, having only been to primary school and has no vocational qualifications or experience of working in Albania. Further, with reference to point (h) (1) her family is of a low social and economic status from northern Albania (where the Kanun is in operation). She would therefore intrinsically find it very difficult to find legitimate employment to support herself if relocating within Albania. Her circumstances in that regard are the same as the appellant in TD, in respect of whom the Upper Tribunal found:

“150. The social economic challenges to the first appellant at this point are likely to be substantial. She has some basic education, having left school at 14, but would be presenting to prospective employers at the age of 27 with no experience at all of working in Albania bar her brief

period of vocational training in the shelter. The best case scenario would be that she would be employed by an NGO but as we have heard, these jobs are few and far between and share the same financial insecurity as the organisations themselves. The likelihood would be that she would have to find non-skilled low paid employment in the 'grey economy'."

b) At [109], the Upper Tribunal found:

"109. For less resilient or adaptable women however, the path to financial independence is not so straightforward. Professor Haxhiymeri describes the assistance offered the Albanian government or the IOM as "superficial" and stresses that such training packages rarely help women in the long run. The problem she identifies is that women in Albania tend to find work in the low skilled, informal sector where employment is not secure or protected, and where wages rarely keep up with the costs of living: this is the "grey economy" discussed in AM & BM [8]. All of the evidence supports a finding that the financial constraints make survival in the cities difficult: we accept Professor Haxhiymeri's evidence of her personal experience of trying to find accommodation for survivors of domestic violence. Workers at her NGO typically find that the cost of basic accommodation even in the outskirts, is €200 per month whereas a woman working in those conditions would typically earn no more than €150. The respondents to the research consistently reported that it is "very difficult" to live alone because of the financial constraints women face, in particular in staying in employment and in paying rent. The UNP report confirms that there is no provision for VOT's to have access to social housing, and that they are therefore forced to rent in the private sector. The high unemployment rate means that people are forced to take "any kind of job". The Needs Assessment succinctly summarises the situation: "most victims are returned to the same place, facing the same problems that they had before they were trafficked". The difference now being that they must face such daily grind whilst living with the physical, psychological and social consequences of that experience."

c) Second, with reference to point (h) (4), the appellant is a single woman with two children. This gives rise to two difficulties: the first is that she will need the struggle to find employment because she will have to look after her children alone or she will struggle to find employment that pays enough to afford childcare whilst she works; the second is that she and her children will face social stigma which is likely to raise questions. In this regard, her circumstances are the same as the appellant in AD, in respect of whom the Upper Tribunal found:

"171. Even with a relatively long stay in the shelter the second appellant will, at some point, be required to leave and live on her own. As we have found, this is not impossible, even for a woman with a child. Professor Haxhiymeri told us about survivors of domestic violence that her organisation has helped to relocate away from their families. The second appellant is however likely to face significant social and practical obstacles. There will be the same difficulties that the first appellant will face in finding and keeping employment well-paid enough to secure accommodation. In the second appellant's case she faces the additional hurdle of paying for childcare. She and her son will face the social stigma of living without their wider family. We accept that even in the urban setting of Tirana this small family unit will be likely to raise questions. This will feed into the subjective fear that the second appellant already holds about being found by her family, or her former traffickers. In this regard we recall the thoughtful conclusion of Wilson LJ

in VMN that when assessing the reasonableness of internal flight for a single mother consideration must be given to: "... Her ability convincingly to present to those in her new milieu a false history relating to herself and she daughter, including the latter's paternity, and a false explanation for their arrival there; and, in the light of her substantial psychological vulnerability, consideration of her ability to sustain beyond the short-term a reasonable life for them both on that false basis".

- d) Third, with reference to point (h) (7) if the Tribunal accepts that the Appellant has no contact with her family in Albania, who she claims have had no contact with her for many years because of her failed first marriage, she obviously will not be able to rely on their support. Her second husband's family is unlikely to want to assist her given the circumstances of her departure, even if she was able to return safely to her home area. She will consequently have no support network available to her in Albania. At [92] of TD & AD the Upper Tribunal records:

"92. We heard uncontested evidence that the family unit remains of great socio-economic importance in Albania. As such it is the norm for young women to remain part of their father's household until such time that they are married. This is a pattern reinforced by culture and religious tradition ..."

- e) Without any support network, the appellant will be socially isolated, struggle to financially support herself and will face social stigma for living outside of her wider family unit.
- f) Fourth, with reference to point (h) (3), the appellant's mental health is poor as a result of the mistreatment she suffered in Albania (see [A/87-104]). The relevance of a person's mental health to the issue of her ability to access state protection and internally relocate was emphasised by the Tribunal in TD & AD. For example, it held at [110]:

"110. At paragraphs 147 - 151 of AM & BM, the Tribunal considered the evidence of Dr Agnew- Davies in respect of the psychological effects of trafficking. We adopt and underline the view expressed in that case that in all claims it is important to consider the circumstances of the individual, including her strengths, age, and psychological make up. For VOT's who have been through extreme traumatic experiences it is not difficult to see how they are likely to suffer psychological consequences such as complex PTSD. The VOT may suffer lasting physical damage as a result of her experiences. These are important factors which must be considered when assessing whether internal flight is reasonable for any individual VOT. Whilst the evidence relating to psychological support services for VOT's once they have left the shelters suggests some availability, that it is undoubtedly patchy and in many cases wholly inadequate as we have observed above. An individual, because of her condition, may have difficulty in accessing or engaging with such services that do exist. She may be required to pay for mental health care, increasing her financial burden. These are all matters relevant to the consideration of whether internal flight is reasonably available."

- g) Finally, when considering the appellant's ability to rely on shelters to assist her with reintegrating to life in Albania, it is necessary to have regard to the location of the shelters in Albania. At [82] the Upper Tribunal observed:

82. In addition to the state shelter at Linza, Tirana there are three shelters working with adult, female VOT's in Albania. These are Tjeter Vizion in Elbasan (Central Albania), Different and Equal in Tirana, and Vatra in Vlore.

These three NGO shelters suffer from precarious funding. The NCRVT is reported to suffer from difficulties in the training and retention of staff. The overall quality of the services on offer may vary; we are told, that the shelters do provide VOT and PVOT with assistance and basic amenities, which can, but will not always, include safe accommodation and transportation, individual assistance plans, food, childcare, medical examination and treatments (as well as fees in the case of hospitalisation) employment counselling, further education, vocational training, psychosocial counselling, reintegration grants and micro-finance loans. The IOM programmes are based on the availability of these various shelters to returning VOT's and it is on that basis that we have considered their suitability for the purposes of internal relocation."

23. Overall, it is submitted that the presence of the above factors places the appellant's case in similar territory to the appellants, TD&AD. In that country guidance case, the Upper Tribunal found that there was insufficient state protection available to those appellants' and that it was unduly harsh for them to internally relocate within Albania.
24. The appellant relies upon a report from a country expert Vebi Kosumi which she claims reinforces that position.
25. The headnote of TD & AD in full reads:

Much of the guidance given in AM & BM (Trafficked women) Albania CG [2010] UKUT 00080 (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.**

26. It is also important, when considering the submission made, to take into account the actual profile of the appellants in this case, recorded at [120] in the following terms:

120. Both Appellants have been found to be VOTs. Each has disclosed a history of rape and exploitation, compounded by rejection by their families. This evidence is accepted. It forms the basis of our decision in the individual claims, set out below. We first address the issues that were common to both appeals.

27. The conclusion of the National Referral Mechanism decision in the current appeal is summarised in the following terms:

SUMMARY

In summary, based on the information available, it is considered that you do not meet the three constituent elements of the trafficking definition and therefore, it is not accepted to the low standard of proof, "I suspect that cannot prove", that you work trafficked from Albania, via Italy, France, Germany to the United Kingdom the purposes of any kind of exploitation.

Similarly, it is not considered that you meet the two constituent elements of slavery, servitude and forced or compulsory labour and therefore, it is not accepted to the low standard of proof, "I suspect cannot prove", that you are a victim of modern slavery.

As you have not met either of the above, it is not necessary to consider whether you require a period of recovery and reflection as per the Competent Authority guidance.

DECISION

Taking cumulatively, there are not considered to be reasonable grounds to believe that you were trafficked from Albania, via Italy, France, Germany and then to the United Kingdom and that you are a victim of trafficking for the purposes of any kind of exploitation.

Similarly, there are not considered to be reasonable grounds to believe that you are a potential victim of slavery, servitude and forced or compulsory labour.

Consequently, a negative Reasonable Grounds

- 28.** On the basis of the decision of the Competent Authority the appellant's case bears no relationship on its facts to those of the appellants in TD & AD.
- 29.** The appellant also argues that the data relied upon regarding steps taken to deal with the issue of trafficking in Albania are unreliable, that the lack of real effective change in dealing with this matter is supported by her country expert, and that when considering reasonableness of relocation the appellant is vulnerable to discovery that would arise simply from having to register in any new municipality and that due to the size of the country and levels of corruption relocation is unlikely to be a viable option for her.
- 30.** In relation to her protection claim, the appellant summarises her position in the following terms:
22. In conclusion, the Tribunal is invited to find that, although she has not previously been a victim of exploitation or trafficking in Albania, the above factors support a similar conclusion in the appellant's case as to that in *TD & AD*, and to allow her appeal on asylum, humanitarian protection and article 3 ECHR grounds accordingly.
23. The appellant is a single woman with two children and documented mental health difficulties. Even ignoring the risk of discovery by those to whom she owes significant sums and the trafficking or exploitation of her or her children to pay back the debt, and even assuming that a sufficiency of protection would be forthcoming, it cannot reasonably be suggested on the available country evidence that this appellant will be in any position to find meaningful employment to support herself and her family. Any temporary shelter or accommodation, even if a place was realistically available, would only provide support in the short-term. Relocation to a city shelter - be it in Tirana or Elbasan - would not be reasonable in this particular case.
- 31.** In oral submissions to the Upper Tribunal Ms Jacquis, in addition to relying upon the skeleton argument referred to above, maintained the argument that internal relocation would not be reasonable in the circumstances of this appeal. There was a challenge in her submissions to the Secretary of State's argument that the appellant lacks credibility and a suggestion that the appellants claim should be accepted in full. It is argued that there is no sufficiency of protection or reasonable internal flight alternative in this case.
- 32.** It was submitted that if credibility is made out then the person the appellant encountered to whom she claims she owes a substantial sum of money which was she was due to "work off" would want their money back. It is also argued there are two further issues, the first being that the appellant has two children one of whom is an adult and the other still 16 and in education and that the support she receives in the United Kingdom she will need in Albania. The appellant disagrees with the Secretary of State's argument that such support will be available. It is argued the appellant has no support from family in

Albania and that she will be a single mother responsible for caring for two children.

- 33.** Reference was made at this stage again to the country expert report which it was claimed due weight could be placed upon. Reference was also made to the appellant's mental health, and it argued there was nothing from the Secretary of State to undermine the conclusions of those reports.
- 34.** Ms Jacquis also submitted on the appellant's behalf that it was at least reasonably likely that things happened as claimed and that as a result the combination of issues means the appellant must succeed.
- 35.** In relation to article 8 ECHR and the question of whether the appellant could succeed under Part 5A of the Nationality, Immigration Asylum Act 2002 in that it had been established that it was not proportionate to interfere with the private life she and the children formed in the United Kingdom, and whether the appellant had established the existence of very significant obstacles to reintegration as required by paragraph 276 ADE (1)(vi), the following is pleaded in the skeleton argument:
27. Whilst it is acknowledged that the appellant will obviously know how life in Albanian society is carried out, in that she can speak the language and will be aware of the cultural norms having lived there for the majority of her life, it is submitted, applying *Kamara*, that she will not have sufficient capacity to participate in Albanian society so as to have a reasonable opportunity to be accepted there and will not be able to operate on a day-to-day basis in that society or build up within a reasonable time the variety of human relationships she needs to give substance to a *meaningful* private and family life.
28. In that regard, it is highly relevant that the appellant is likely to be reintegrating into Albanian society as a single mother with two children without a father figure or male protector. Her eldest son is now 19 but it cannot reasonably be expected that he can be a male protector in a position to support the whole family. He is still at school. These obstacles will inevitably be harder for the appellant to overcome because of her mental health difficulties, which inevitably would deteriorate upon a forced return to Albania and the fact that she will be returning to Albania with her children to protect and support.
29. Further, it is submitted that, although the appellant's children clearly must remain with their mother, it is not in their best interests to be removed from the UK, where they are safe, settled in school and doing extremely well, to return to Albania where they too are likely to face the same difficulties as their mother and social stigma for the reasons identified above.
30. For these reasons, the Tribunal is invited to find that the respondent's decision disproportionately interferes with the private life established by the appellant at the children in the UK.
- 36.** In her oral submissions Ms Jacquis argued that even if the appellant was not credible in relation to the protection case it could not be said that there are no vulnerabilities and that the above position still stands on relevant facts. It was argued that there are insurmountable obstacles that even though the family will be returned as a whole they

will still face problems and loss of their connection with the UK that they cannot re-establish in Albania.

- 37.** The Secretary of State's position is set out in the skeleton argument drafted by Mr Bates, a Senior Home Office Presenting Officer, dated 8 June 2020. In that document the Secretary of State believes the following outstanding issues to be decided are as follows:
- credibility – is the appellant a client of a 'people smuggler' (indicative of no risk on return) or a victim of intended 'Modern Slavery' (with consequential potential risk on return?)
 - Sufficiency of protection/internal relocation within Albania.
 - Article 8 ECHR – will the removal of the family unit from the United Kingdom to Albania be a disproportionate interference with their private life.
- 38.** In relation to the issue of credibility, the Secretary of State notes the appellant was found to lack credibility in relation to the asserted risk from her husband/in-laws which is a preserved finding, that the appellant accepted when arriving in the UK that she came to this country for economic reasons, that when specifically asked why she had failed to mention her potential traffickers who she feared were waiting outside the airport for her on arrival within the UK as she claimed the appellant failed to provide a clear and coherent response. It was noted the appellant asserted that her mobile phone was handed over to Immigration Officers and checked at the airport but that the Secretary of State has no record of such an event in the Immigration Officers Minute sheet relating to the encounter on 19 November 2016. It is also noted the appellant only claimed asylum after presenting false documents, the Italian ID cards, which were identified as such at which point she faced refusal of entry to the UK and that the appellant in that context had a clear incentive to manufacture a claim to be at risk to avoid removal from the UK at that point.
- 39.** The Secretary of State argues that the appellant asserted a fear of the traffickers who proposed to meet her immediately outside the airport upon arrival on a flight of which they had provided the details yet, notwithstanding, the appellant claimed that the first and only text contact she received from them upon arrival in the UK occurred several hours later and that she immediately disposed of her telephone; the potential traffickers being unaware of her location or having any other means of contacting her.
- 40.** It is said the mobile telephone would have provided potential corroborative evidence for the protection claim that she had planned to lodge prior to arriving in the UK. The Secretary of State contends that the appellant's disposal of the potential corroborative evidence in this context lacks credibility, noting that the appellant was given the opportunity to submit evidence relevant to supporting the asylum claim in her screening interview at section 6.2, in relation to which the appellant indicated that there was no further evidence available at that point despite still having access to the mobile telephone.

- 41.** The Secretary of State argues the appellant was given an opportunity to provide brief details of feared future exploitation in the screening interview at section 2.5 which asks the person being interviewed to provide brief details of future feared exploitation or to confirm whether they have reasons to believe they were going to be exploited to which the appellant responded “No”, further undermining her assertion that she genuinely feared exploitation within the UK.
- 42.** It is accepted within her interview the appellant did state that when she started working in the UK she will pay them back, but it is argued by the Secretary of State there was no indication that ‘they’ were feared in any way or indeed that the appellant will be working under ‘their’ direction as opposed to simply working at liberty and then paying them back.
- 43.** The Secretary of State argues that if the alleged ‘traffickers’ had a genuine desire to exploit the appellant and her children then in light of the expert report relied upon it lacks credibility that she was permitted to travel to the UK at the traffickers expense (providing false documents and paying for air tickets) rather than simply being ‘kidnapped’ in Italy and trafficked via the Schengen area into Western or Central EU which the expert finds could occur “without any difficulty” due to the lack of border controls. The action of the alleged traffickers in permitting the appellant and her children to travel together, without an accompanying trafficker to exert control and oversight further supports the Secretary of State’s view that they were in reality ‘people smugglers’ providing a paid service rather than ‘trafficking’ for the purposes of exploitation. The appellant was at no point under the direct control of the alleged traffickers.
- 44.** In relation to the question of sufficiency of protection or reasonableness of internal relocation the Secretary of State relied upon the CPIN, which at the date of the drafting of the skeleton argument was the March 2019 version. The Secretary of State argues that in the event the appellant is found incredible as regards any ‘trafficking risk’ she would be returning with an adult son in addition to the minor child and therefore would not meet the criteria of a woman living alone or one with children born outside of wedlock, or even as a divorcee as it is said the appellant remains married to an absent spouse.
- 45.** The Secretary of State argues that although the preserved findings of the First-tier Tribunal are those set out at [68 – 69], which I have set out above, it is contended that the reasoning at [70] flowing from those preserved findings holds good as the potential further male support of her brother-in-law in addition to her adult son.
- 46.** At [70] the First-tier Tribunal Judge wrote:
 70. There would also be nothing to prevent her returning according to her own evidence she had regular contact with her brother in law, and she did not suggest in her original evidence that she had any issues with him. According to her oral evidence he lived close to her. Having rejected her claim to have suffered domestic violence or that she would face a future risk of violence I am satisfied she has immediate family to whom she can turn to on her husband’s side and any discrimination faced by women would not amount to persecution.

- 47.** The Secretary of State contends that the appellant has never directly met her alleged traffickers who in any event, based upon the objective evidence, will be unlikely to use violence. It is contended that even to the low standard of proof it is not reasonably likely that a genuine risk of kidnapping exists for the appellant or the children.
- 48.** The Secretary of State notes the appellant is, at the date of the drafting the document, forty-one years of age which placed her significantly outside the age range for a typical female Albanian victim of modern slavery.
- 49.** The Secretary of State's position is that the appellant falls into the category of those who falsely claimed to have been trafficked in the hope of being granted asylum when they have actually just migrated to Europe to obtain work.
- 50.** The Secretary of State argues the appellant's claimed risk is not relevant on the facts of the case, as neither the appellant nor her children have been victims of trafficking and their claim is predicated upon a fear of falling victims to trafficking i.e. future risk.
- 51.** The Secretary of State argues that in addition to state support for single mothers the appellant's adult son could secure employment to contribute to the household income in addition to any income that the appellant is able to earn for herself. The Secretary of State argues the appellant's depression is being controlled by medication with no significant risk of suicidal ideation or self-harm, given her children are protective factors, and that whilst reference is made to counselling no details of the same were provided and there been no mention of mental health difficulties in the appellant's witness statement of 8 October 2019. The Secretary of State's position is that the appellant had failed to establish that her mental health issues prevent her from being able to secure employment in Albania.
- 52.** There is reference to cultural material showing that avenues to education are available for the younger dependent child to continue his education upon return to Albania.
- 53.** In relation to article 8 ECHR the Secretary of State's position is that the appellant and the children attempted to enter the UK illegally using false documents on 19 November 2016, failed to meet any length of residence requirements within the Immigration Rules in relation to their private life, and that it is contended there are no exceptional circumstances sufficient to warrant a grant of status. The Secretary of State maintains there are no insurmountable obstacles supported by the evidence showing very significant difficulties to the family unit reintegrating into Albania within a reasonable period of time, making removal proportionate and not unjustly harsh.

Discussion

- 54.** It is not implausible that the appellant left Albania to seek a better life for herself and her children. It is known that those with resources who do not see much of a future for themselves in Albania do so and that there is a 'brain drain' from that area. It is also known that many in

Albania believe they will be able to make a better life for themselves in the UK.

- 55.** It is not implausible that the appellant would have engaged the services of an agent to assist her in achieving her desired aim of being able to enter the United Kingdom. The appellant appears to have been honest in stating that it was always her intention to get to the UK and that she left Albania for economic reasons. At that point she was therefore not a genuine asylum seeker but an economic migrant.
- 56.** It is not implausible that a people trafficker may charge a sum in the region of €15,000 to secure the entry of a family of three to the UK. Information in the public domain speaks of a wide range of prices that can be charged by people smugglers depending on what they feel they can achieve and the “going rate”. The appellant claimed she sold a property in Albania. It is a preserved finding that she was able to lawfully do so. The issue is not whether the appellant paid an agent to facilitate her entry to the UK, but whether she borrowed the €15,000 on the basis she would pay it back by working for the agent when she arrived, did not undertake such work, meaning the debt was outstanding, creating a real risk for her in Albania.
- 57.** What is more credible is that the appellant would have paid an agent the sum of €15,000 to enable her in the family to enter the UK especially as the chronology of events she refers to fits with the type of journey known by those who have engaged the services of people smugglers in which they move their customers to various points within Europe whilst documents are arranged, or false identity documents provided, to maximise the chances of success.
- 58.** There is also an additional element of the chronology identified by the Immigration Officer who apprehended the appellant when entering the United Kingdom which indicates that the journey was not one in which documents were provided, ad hoc, but one in which the whole event was carefully planned. This is the reference to the fact that although the appellant tried to enter the United Kingdom using a forged Italian identity documents she also had in her possession genuine Albanian passports for her and her two sons and flight tickets for them to return to Albania via Turkey. The existence of these genuine documents would have enabled the holder to pass through the police and passport checks in the airport, using the real passport and flight tickets, and then once “airside” head to the gate for the London flight and on arrival use the forged ID documents in an attempt to try and secure entry. This is a known modus operandi of people smugglers as a means to get round airport security. If it is the appellants case that she had the tickets to enable the family to return to Albania if she was refused access to the flight to the UK that indicates that in her mind she had no reason why she could not return with her sons to Albania.
- 59.** What I do not find supported by the country evidence is the claim to have paid €15,000 for three Italian identity cards alone, even if this covers the cost of the journey by train to Venice and then flights to the UK. This equated to approximately £12,600).

- 60.** The appellant claims her mobile telephone was seized by the immigration officers on arrival in the UK but I have not seen evidence there was anything recorded on the device stating that she owed a large amounts of money to anybody which one would reasonably have expected to find evidence of in relation to the arrangements for her and her sons to enter the UK, the plan of action once she had arrived, and the consequences if she did not fulfil her part of the agreement. It is important to note that any communications concerning this transaction would have occurred shortly before the appellant received the ID documents and flew to the UK indicating they would not have been deleted as a result of passage of time.
- 61.** The appellant claimed she had some funds in her possession when she arrived as noted in the Immigration Officers note which is plausible if the cost of physically arriving in the UK, the cost of purchasing the flights to Turkey and back to Albania also referred to in that note, had been paid for by the appellant from the proceeds of sale of her property.
- 62.** The appellant is a person who has clearly demonstrated an ability to secure/false documents to enable her to achieve a desired end of not only being able to enter but being able to remain in the UK to build a new life for her and her children.
- 63.** The burden is upon the appellant to prove the case, but I do not find that she has been able to substantiate, on the basis of the evidence available to her, that her claim to have borrowed sum of €15,000 that is still owed to the named individual is credible.
- 64.** As such the appellant has not established she face a real risk from anybody in Albania.
- 65.** I go on the considered on the case on the basis the appellant is a single mother with two dependent children with the needs that have been identified in the medical evidence and country material submitted.
- 66.** The current CPIN is the Country Policy and Information Note, Albania: Human trafficking, Version 11.0, September 2021.
- 67.** In relation to the risk of re-trafficking it is written:

2.4.10 Although reports relied on by the UT in TD and AD indicated that 18% of women referred to shelters had been subject to re-trafficking, Different and Equal (D&E), an NGO working with victims of trafficking, told the Home Office fact-finding team (HO FFT) in 2017 that the figure is now 4 to 5%. Retrafficking has become a less common occurrence, with a very small percentage of women willingly leaving the security of shelters or reintegration assistance and being re-trafficked. Some women are willingly re-trafficked because they see it as an alternative to domestic abuse and some because they want to leave Albania and are not aware of other options for migrating. The risk of re-trafficking must be considered according to the facts of each individual case and their individual vulnerability to re-trafficking.

- 68.** The appellants claim her adult son cannot be expected to work and provide for family is undermined in the CPIN where it is written:

2.4.18 Males are expected to provide for their families from their early/mid teens, yet employment opportunities are poor, particularly in the north and in

rural and underdeveloped areas of the country. This pressure makes boys/men more vulnerable to offers of work abroad. Most trafficked males are enticed by offers of jobs and suggestions that they can make a lot of money, including through illegal means. As a key risk factor for trafficking is poverty and a lack of future prospects, an offer of work abroad can be very attractive.

69. In relation to the availability of shelters it is written:

- 2.5.18 There are 4 shelters used by victims of trafficking; 3 are run by NGOs, and one by the government, and together, they form the National Coalition of Anti-Trafficking Shelters. The shelters work together effectively and the combined capacity of the shelters is sufficient to meet needs. The shelters provide assistance which includes accommodation, medical and psychosocial assistance, legal assistance, education and training, accommodation in rented premises, monitoring and follow-up, and assistance to the children of victims of trafficking. The support provided by shelters generally consists of three phases, the first crisis intervention phase lasting 3 to 6 months, the next phase of transition to independent living lasting for at least a year, and support to full independence lasting up to three years. Shelters are regularly inspected by the Albanian Ombudsman and the standard is considered to be very good. Although supported by the government, the NGO-run shelters have financial constraints and rely on outside sources for financial assistance. The HO FFT was told that reintegration is not always successful, but this is not an issue unique to Albania (see National Coalition of Anti-Trafficking Shelters (NCATS), Capacity of shelters, Standard of shelters, Phases of assistance, Funding and assistance for shelters).
- 2.5.19 There is a lack of resources for long-term care and reintegration. Nevertheless, by law, every person leaving a shelter must receive financial benefits until they find employment, although benefits are not enough to live on, at the equivalent of about £20 per month. Those who are supported by social welfare (but who are not trafficking victims) receive about £31 per month; in the municipality of Kukes, more than 50% of the population live on social welfare. The average wage is about £161 per month. However, the HO FFT were told that the state will provide financial assistance for food and will also pay for childcare for single women; the basic needs are met. When a woman leaves the government-run shelter, the regional welfare services draw up an individual reintegration plan and the woman will be offered internships and given priority access to jobs. NGO-run shelters also facilitate access to employment and training. Shelters will also assist women to obtain social housing from the state or will subsidise or pay their rent. However, access to social assistance for those in rural areas and those in Roma/Egyptian communities is poor. The different bodies which form the Responsible Authority will track the progress of each individual and assist with their reintegration. Women are monitored for at least 2 years after leaving a shelter, but this period is to be lengthened if required (see Reintegration: General, Social housing, Other economic help, Monitoring).
- 2.5.20 Progress has been made in providing assistance for women leaving shelters since the hearing of TD and AD in 2016. Women are monitored for 2 years after leaving a shelter, healthcare has been provided free of charge to victims of trafficking since the end of 2014, and with re-education, vocational training, rent subsidies and economic help, the risk of re-trafficking is being reduced. Different and Equal told the HO FFT in 2016 that 4-5% of the women they had assisted were re-trafficked. The government and NGOs are working to raise awareness of trafficking, particularly with young people, with a view to prevention and increased reporting and to reduce the stigma which has been traditionally attached to those who have been trafficked. Although prejudice can be an issue, it has decreased and it is possible for women to live alone, working and paying rent, particularly in Tirana. However, in some instances, families may reject victims of trafficking, and this can cause hardship in a

society that relies on family as a safety net in terms of financial and social support; those who are rejected by family may find reintegration harder and be at greater risk of poverty and re-trafficking. Risks of re-trafficking therefore depend largely on individual circumstances.

- 70.** It has not been made out the appellant and her sons would be denied access to the shelters or that the shelters would not be able to meet their needs on return and to assist in reintegration.
- 71.** The appellant was assessed by psychologist, Dr Siddiqui on 6 October 2021, who has provided a report dated 14 October 2021.
- 72.** Whilst the psychologist claims the appellant gave a credible account of the index incidents with no evidence of fabrication, embellishment or exaggeration, the credibility of the claim is a matter for the Tribunal and not the medical expert.
- 73.** At [12 -17]] of the report it is written:

12. My own independent findings show that the client does indeed suffer from severe depression, generalised anxiety disorder and I confirm that the client also suffers from post-traumatic stress disorder (PTSD), and that the client could not fake the symptoms in the NHS psychometric measures for depression, general anxiety, post-traumatic stress. A wide spectrum of valid psychometric measures we used (with good convergent validity). Psychometric measures are formally assessed for reliability, before they become widely accepted and used for example in the NHS, and University research.

13. Gender-based violence is common in Albania: I have come across clinical examples and it is reflected in academic literature (Violence Against Women & Girls is not a new phenomenon in Albania, it has:

- Deep roots in the patriarchal traditions and customs
- that have long shaped Albania, including strict
- gender identities and roles, patriarchal authority,
- adherence to an honour and shame system
- customs of hierarchical ordering within the family
- and intergenerational family control

Source UN based document by Dr Robin Haarr, (2019).

14. The client has no readily locatable family or means of supporting Albania (hence the desperate flight with her 2 children from that country. TRAUMA EVENTS.

15. The client is traumatised and re-traumatised by current action to remove her from the UK to Albania. This is because memories of previous traumas are rekindled by current removal attempts, as she perceives that she will be subjected to violence and attempts to control her life. She has been subject to previous traumas (controlling behaviour and domestic violence by a male spouse, briefly described above). CURRENT TRAUMA/RE-TRAUMATISING EVENTS.

16. A forcible return to Albania would have a significant negative impact on her and her family's mental health evidence of this is seen in a statement of her son, K who would rather try and take his own life then return to Albania (sentiments expressed by the client at interview, and could easily lead to an increase in suicidality. ANTICIPATED TRAUMA EVENTS. She has no control over domestic abuse in Albania and manipulation of her life by traffickers, and she expects this

violence in control of her life to re-occur if forced to return to Albania. The vulnerability is demonstrated in her throwing her phone away to escape contact and instructions from traffickers.

17. Suitable treatment for the condition appears not to be available in Albania (Google search for trauma focused CBT and EMDR in Albania, and of the European Society for Traumatic Stress Studies (ESTSS). "In 2018, ESTSS comprised of 13 member societies that included 15 European countries and regions. These included Austria, Belgium, Croatia, Georgia, Germany, Lithuania, Italy, the Netherlands, Poland, Portugal, Sweden, the German-speaking and the French-speaking parts of Switzerland, Ukrainian and the UK (www.estss.org). Albania is not listed as a member organisation.
- 74.** Whilst the particular aspects of the appellant's mental health are set out in the psychologist report, and there was no material from the Secretary of State from a qualified medical practitioner to show the methodology employed was wrong or that the conclusions reached from the symptoms presented are outside the range of those available to Dr Siddiqui, I do not find it has been made out that the causation of such symptoms arises for the reasons claimed. There is for example reference to gender-based violence being common in Albania but that is not part of the appellant's claim.
- 75.** The Secretary of State in the reasons for refusal letter sets out extensive information regarding the availability of treatment for mental health issues within Albania.
- 76.** There is a summary of the available resources in the Country Policy and Information Note, Albania: Mental healthcare, Version 1.0, May 2020.
- 77.** In relation to the cost of treatment for mental health needs it is written:
- 2.6 Cost of drugs
- 2.6.1 WHO reported in 2018: 'As an initial step towards universal coverage, free accessibility to preventive services for the entire population, including uninsured people, was introduced in January 2017.'
- 2.6.2 The BDA/MedCOI report, published in July 2017, stated: 'Treatment for psychiatric illnesses is completely free of charge and covered by the government. Patients do not pay at the hospital. The government provides a lot of funds through the MoH and the Ministry of Social Welfare.'
- 78.** In relation to the availability of drugs it is written:
- 2.7.1 MedCOI noted in August 2019: 'Quetiapine is available under brand name Seroquel; Olanzapine is available under brand name Zyprex and Risperidone is available under brand name Risperdal.'
- 2.7.2 MedCOI reported in January 2019: 'Aripiprazole, biperidene and trihexyphenidyl [all antipsychotic drugs] are only available in private pharmacy. No state hospital and pharmacy carries this medication. This means the patient have to buy them with special prescription by the treating specialist. The patient has to pay the fee by them self in a private pharmacy (not covered by the state Insurance).'
- 2.7.3 The BDA/MedCOI report, published in July 2017, stated: 'In general, the hospital [Psychiatric hospital "Sadik Dinçi" Elbasan] does not have a problem with the supply of medication. Sometimes there are supply issues for certain medicines because of bureaucratic procedures. The hospital does not have the

latest generation drugs to treat mental health problems. Each year the MoH sends the list of registered medicines to the hospitals. The hospital sets up a planning on an annual basis. It sends this planning of the necessary medication to the MoH which ultimately decides. There are sometimes interruptions regarding the supply of certain medicines which have to do with the procurement procedures in place. According to the hospital, if there is an interruption in the supply of medication, this usually lasts from 2 weeks to 1 month. The technical director of the hospital stated that an interruption in the supply of medication does not affect the treatment of the patients, seeing as all the alternatives are in stock at the hospital.

79. In relation to treatment for anxiety, PTSD, and depression, it is written:

3.2 Anxiety and Post Traumatic Stress Disorder (PTSD)

3.2.1 Albanian Daily News, an Albanian online news outlet, reported in January 2019: 'According to a survey conducted by "Lancet Commission on Global Mental Health", Albanians are ranked first in the region regarding anxiety disorders. In Albania anxiety disorders involved 3.56% of the population, as the survey made known.'⁵² 3.2.2 WHO reported in 2017: Albania has a total of 104,925 cases of anxiety disorders which is 3.8% of the population.

3.2.3 MedCOI reported in January 2020 that the following treatments were available at the University Medical Centre of Tirana Mother Teresa Rruga e Dibrës 372 Tirana which is a public facility:

- 'Psychiatric treatment of PTSD by means of cognitive behavioural therapy
- 'Psychiatric treatment of PTSD by means of EMDR [Eye Movement Desensitisation and Reprocessing, a type of psychotherapy]
- 'Psychiatric treatment of PTSD by means of narrative exposure therapy
- 'Outpatient treatment and follow up by a psychologist
- 'Inpatient treatment by a psychologist
- 'Outpatient treatment and follow up by a psychiatrist
- 'Inpatient treatment by a psychiatrist
- 'Psychiatric treatment: assisted living / care at home by psychiatric nurse.'

3.2.4 The BDA/MedCOI report, published in July 2017, stated: 'Post Traumatic Stress Disorder (PTSD) is not treated in the psychiatric hospital ["Sadik Dinçi"] in Elbasan. The management believes that patients with this medical condition are better treated as outpatients in community centres in Tirana.'

3.3 Depression

3.3.1 WHO reported in 2017: Albania has a total of 131,048 cases of depressive disorders which is 4.8% of the population.

3.3.2 MedCOI reported in January 2020 that the following treatments were available at the University Medical Centre of Tirana Mother Teresa Rruga e Dibrës 372 Tirana which is a public facility:

- 'Psychiatric treatment by means of psychotherapy: e.g. cognitive behavioural therapy
- 'Psychiatric treatment by means of psychotherapy: other than cognitive behavioural therapy
- 'Psychiatric clinical treatment in a closed ward/setting (not necessarily forced admittance).
- 'Psychiatric treatment in the form of family therapy.'

In January 2020 MedCOI noted that at the Mental Health Centre Community, which is a public facility, near Nasi Pavilo and the American Embassy [in Tirana], psychiatric treatment in the form of group therapy (target group of similar patients) was available.

- 80.** Even if these treatments are not the same as those recommended by Dr Siddiqui it is not made out they are not sufficient to meet the appellant's medical needs.
- 81.** In relation to suicidal behaviour, Dr Siddiqui recorded that the appellant scored 15/38 on the assessment scale which was said to give concern given it was recorded in the UK and that it was highly probable that the score would increase if forced to return to Albania and in light of her circumstances there. It is written "*the current score was already indicative of significant ideation to take her own life if circumstances change for the worse. Such suicidal ideation is reflected and echoed by a son K (see his witness statement)*".
- 82.** It is not made out there are insufficient resources within the NHS to deal with any risk of suicide within the UK and during the removal process. In relation to the situation on return to Albania, the first thing to note is that the reasons the appellant claims she does not want to return. A number of which have been found to lack credibility. In relation to treatment for suicide in Albania it is written in the CPIN:
- 3.4.1 Macrotrends, a global organisation that monitors and reports on trends from across the world, noted the suicide rate in Albania from 2000-2020: 'Suicide mortality rate is the number of suicide deaths in a year per 100,000 population... Albania suicide rate for 2016 was 6.30, a 5% increase from 2015.'
- 3.4.2 MedCOI noted in January 2020 that the following treatments were available at the University Medical Centre of Tirana Mother Teresa Rruga e Dibrës 372 Tirana which is a public facility:
- 'Psychiatric crisis intervention in case of suicide attempt including gastric lavage / stomach irrigation
 - 'Psychiatric crisis intervention in case of suicide attempt.
- 83.** It is not made out medical treatment the appellant or any member of her family may need is nor available or inaccessible in Albania. I prefer the evidence of the CPIN to that of Dr Siddiqui in light of the fact it is properly referenced to credible sources relevant to the issues at hand, rather than being based upon generalisations by a person who clearly has no knowledge of the extent of the provisions in Albania. I do not find the appellant has established that the AM (Zimbabwe) threshold is crossed in relation to medical matters.
- 84.** When considering internal relocation it is written in the CPIN:

2.6 Internal relocation

- 2.6.1 In the country guidance case of TD and AD, the Upper Tribunal noted that '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' (paragraph 119(b) of determination).
- 2.6.2 However, current evidence indicates that the situation has improved since TD and AD. Although stigma can be a concern for victims of trafficking, work is being done to address it. It is possible for women to live alone in Tirana and they can relocate there; it is harder for a woman to live alone in rural areas,

although some women do manage it successfully (see Stigma attached to victims of trafficking and Women living alone).

2.6.3 The onus is on the person to demonstrate why they believe they would be unable to relocate to a specific town/city to mitigate any risk. Tirana, for example, is a city of at least 494,000 inhabitants (see Area of origin: determining features), and there are services available there which are specifically tailored to ensure the safety and re-integration of victims of trafficking. However, each case must be considered on its individual facts.

- 85.** It is not made out appellant has no support from family members in Albania. The Secretary of States assertion the finding of the First-tier Tribunal regarding the brother-in-law is safe is not an irrational submission on the evidence. I accept this is the case.
- 86.** It was not made out appellant will not be able to secure accommodation and assistance for her and the children on return to Albania in a shelter if required or that they will not be able to obtain assistance with their practical and medical needs identified following her assessment within the UK, which appears to be limited to prescription medication and possibly additional assistance from counselling, or that she would not receive the assistance that is required to enable her to internally relocate within Tirana where the main hospital treating those with mental health needs is located.
- 87.** This is not a person who has been found to be a victim of trafficking with minor dependent children. It is not made out that the appellant will be position similar to the appellants in TD and I find a submission to that effect by the appellant's representative not made out.
- 88.** I do not dispute that the situation will be difficult for the appellant on return, but I do not find she has established there are insurmountable obstacles to her re-integration into Albania. I am satisfied on the facts that the appellant and her children have sufficient knowledge of living within Albania not to be outsiders and to be able to re-establish their life in their home country.
- 89.** I am not satisfied the appellant has established that she faces a real risk of harm from any source, be it from external individuals or members of her or her husband's family.
- 90.** I find in reality, the appellant has come to the United Kingdom for the reason she stated, namely for economic reasons and to try to find a better life for herself and her children. That is not enough. Consideration of section 55 and the best interests of they children show they are to remain with their mother. They do not show that the best interests of the children are to remain in the United Kingdom with their mother. I accept the children cannot be blamed for the decisions made by their mother and I do not do so. I accept the children would like to be able to continue their education and to achieve what they believe could be their best in the UK, to be able to work, and have a better life, and in so far as their schooling and friendship groups form part of their private lives, I have taken that into account.
- 91.** As the family unit will be removed as a whole will be no breach of article 8 in relation to their family life as it was not made out such family life could not continue in Albania.

- 92.** I find when assessing article 8 ECHR that the weight to be given to any private life relied upon is reduced in light of the appellant’s illegal entry to the UK and a strong public interest in the ability of the UK to have valid workable immigration policies and systems. It is not made out the appellant speaks English and even if she or her children did this is a neutral point. There is no evidence the appellant is financially independent meaning that she and her sons will be a burden upon the public purse for the foreseeable future.
- 93.** Having undertaken the necessary holistic assessment of all the facts and having weighed up the competing interests, I find the Secretary of State has made out her case that any interference in a protected right relied upon by the appellant and her sons is proportionate to the legitimate interest being relied upon.
- 94.** I find the appellant has failed to discharge the burden of proof upon her to show any entitlement to a grant of international protection on the basis of her claims and, accordingly, I dismiss the appeal.

Decision

95. I dismiss the appeal.

Anonymity.

96. The First-tier Tribunal made an order pursuant to rule 45(4)(i) of the Asylum and Immigration Tribunal (Procedure) Rules 2005.

I make such order pursuant to rule 14 of the Tribunal Procedure (Upper Tribunal) Rules 2008.

Signed.....
Upper Tribunal Judge Hanson

Dated 28 March 2022