Upper Tribunal
(Immigration and Asylum Chamber)

Appeal Number: UI-2021-001381
(PA/01182/2021)

THE IMMIGRATION ACTS

Heard at Field House
On 22 July 2022

Decision & Reasons Promulgated
On 28 September 2022

Before

UPPER TRIBUNAL JUDGE BLUM

Between

KLODJAN DRAZHI
(ANONYMITY DIRECTION NOT MADE)

Appellant

and

SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:
For the appellant: Mr N Ahmed, Legal Representative from Evolent Law
For the respondent: Mr S Walker, Senior Home Office Presenting Officer

DECISION AND REASONS

1. Pursuant to s.12(2)(b)(ii) of the Tribunals, Courts and Enforcement Act 2007 the Upper Tribunal remakes the decision of Judge of the First-tier Tribunal Coutts ("the judge") who, in a decision promulgated on 3 November 2021, allowed the appellant's protection and human rights appeal against the decision of the Secretary of State for the Home Department ("the respondent") dated 30 September 2021 refusing the appellant's protection and human rights claim.

Background

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2. The appellant is a national of Albania. He was born on 1 July 2002. The following is a summary of his protection claim.

3. The appellant was born in Kukes (also written Kukus), located in northern Albania, but moved to Tirana when he was a young baby. He lived with his parents and his two brothers, one older, the other younger. The older brother's name is Jetmir.

4. In 2014 the appellant's father borrowed €50,000 from two men, Kasem and Albert. The appellant's father could not pay back this money when required to do so. Approximately a year after the money was borrowed Kasem and Albert visited the appellant's family home on several occasions and requested payment of the monies owed. On one occasion the men had pistols and threatened to kill Jetmir. Protection from the police was sought, but none was forthcoming.

5. Fearing for his son's safety the appellant's father escorted Jetmir to France in November 2015 and then returned to Albania. Jetmir made his way to the UK and claimed asylum. He was eventually granted Humanitarian Protection following an appeal decision by Judge of the First-tier Tribunal Iqbal in 2016. Judge Iqbal accepted that there was a real risk of Jetmir facing serious harm if he were returned to Albania and that the Albanian authorities would be unable to provide a sufficiency of protection.

6. In July 2019 the men who previously threatened the appellant's family returned to his family residence and demanded money. They threatened to kill the appellant if his father did not pay the money owed.

7. Fearing for his safety the appellant left Albania later the same month accompanied by his father. They flew to Belgium where he remained for two weeks. He was then put in a lorry. The appellant entered the UK illegally on 20 August 2019.

8. The appellant used the Red Cross to trace Jetmir and they were reunited. The appellant maintains that he has had no contact with his family in Albania since arriving in this country. He fears that his removal to Albania would expose him to a real risk of persecution by the men to whom his father owes money. He claims that he is a member of a particular social group, namely, a victim of a blood feud in respect of moneylenders who have targeted his family.

The Reasons For Refusal Letter

9. In her decision of 30 September 2021 the respondent accepted, at [25], that the appellant was "a member of a particular social group." This conclusion was reached after consideration of Country Guidance cases

concerning blood feuds, and under the heading “Convention reason.” The respondent was not however satisfied that the appellant was caught up in a blood feud with Kasem and Albert. No explanation had been provided as to why the remainder of the appellant’s family stayed in the same location when Jetmir left in 2015, and the respondent was concerned that the appellant himself did not leave Albania until July 2019. Nor was there any explanation as to why Kasem and Albert did not pursue or threaten the appellant between 2015 and July 2019.

10. The respondent did not consider that a failure to repay money borrowed from loan sharks constituted a blood feud. The respondent noted that the appellant himself was unaware whether Albert and Kasem followed the Kanun law (under which customary blood feuds operated).

11. Applying EH (Blood Feuds) Albania CG [2012] UKUT 0038 (“EH”) the respondent did not consider that a blood feud existed, and did not consider that Kasem and Albert would be able to locate the appellant in another part of the country. The respondent considered there was an established police force within Albania from which the appellant could seek protection if the need arose. The state authorities were therefore able to offer a sufficiency of protection such as to meet the Horvath [2000] UKHL 37 standard. The respondent additionally considered that the appellant could avail himself of the internal relocation alternative.

12. The appellant appealed this decision pursuant to section 82 of the Nationality, Immigration and Asylum Act 2002.

The First-tier Tribunal decision

13. The judge heard oral evidence from the appellant and his brother and considered this in the round with the remainder of the evidence including asylum interviews, witness statements and supporting documentation. In a very brief decision, the judge adopted the previous findings made by Judge Iqbal in respect of Jetmir. The judge then went on to find that it was “not incredible” that the appellant would become a target for the money lenders who had previously threatened his brother now that he had reached majority. At [19] the judge stated:

> “the appellant relies upon the positive outcome of his older brother’s appeal, Jetmir Drazhi, where it was held by this tribunal that the blood feud in question existed and that his brother could not be returned to Albania.”

14. Under the heading “Conclusions Relating to the Refugee Convention” at [25], the judge stated:

> “The respondent accepts that a blood feud existed and so does not seek to look behind the decision of this Tribunal in respect of the appellant’s brother, Jetmir Drazhi”

15. And at [25]:

> "In any event, there has been no successful appeal against that decision and the findings made therein stand as a record of fact. It is therefore open to me to adopt them and I see no reason not to do so."

16. The judge concluded that if the appellant were returned to Albania he would be at risk of serious harm for a Convention reason, that he would not enjoy a sufficiency of protection and that internal relocation would not be an option for him. The judge allowed the appeal on asylum grounds, dismissed the appeal on Humanitarian Protection grounds and allowed it on human rights grounds.

The challenge to the judge's decision and the 'error of law' decision

17. The respondent's first ground contended that the judge erred by allowing the appeal under the Refugee Convention. The judge was wrong if he concluded that Jetmir had been granted asylum because he was a potential victim of a blood feud. Jetmir was granted Humanitarian Protection, not asylum. Being threatened for debt did not constitute a blood feud because there was no element of honour. Targeting family members for unpaid debts amounts to criminal activity and did not engage a "Convention Reason". The appellant therefore was not a member of a particular social group with immutable characteristics. The judge failed to take into account the background country information and country guidance cases relating to this issue. As a result of this error, the judge failed to resolve this issue and had not given adequate reasons why the appellant would not be able to obtain protection from the Albanian authorities, and why internal relocation would not be an option for him. It was an error for the judge to have allowed the appeal under the Refugee Convention.

18. The second ground contended that the judge failed to consider how the appellant's family were able to live without any consequences from the time his brother left in 2015 until the alleged threats in July 2019, and there was no explanation as to why the judge accepted the appellant's evidence, only given at the hearing, that his family had not been targeted because the perpetrators were in prison.

19. The third ground contended that the judge was factually wrong in claiming that the appellant was targeted when he obtained majority as this was inconsistent with his brother being allegedly targeted when he was 15 years old. It was also said to be incredible that the appellant had no contact with his family in Albania in the context where he was able to be reunited with Jetmir in the UK.

20. In her 'error of law' decision promulgated on 23 June 2022 Upper Tribunal Judge Owens found that the judge made a manifestly "clear

finding" that Judge Iqbal's decision contained a finding that a blood feud existed. However, having read Judge Iqbal's decision, there was no such finding in respect of a blood feud. Judge Iqbal accepted that the appellant's brother was threatened by two men because his father owed money to them. Judge Iqbal accepted the account as credible, given that the events he described occurred when he was 15 to 16 years old and found that Jetmir would be at risk of serious harm from non-state actors if he returned to Albania and that there was a lack of sufficiency of protection. Judge Iqbal referred to EH (blood feuds) Albania CG [2012] UKUT 00348 in respect of internal relocation by analogy only.

21. Judge Iqbal concluded at [48]:

> "Whilst the appellant is not entitled to protection under the 1951 Convention as his fear emanates from K and A, who are non-state actors, therefore I find the appellant has demonstrated there would be a breach of Article 2 and/or Article 3 rights."

22. Judge Iqbal dismissed the asylum appeal and allowed the appeal under Article 2 and Article 3 ECHR and Jetmir was subsequently granted Humanitarian Protection.

23. Upper Tribunal Judge Owens was satisfied that the finding of the judge at [19] - that Judge Iqbal found that a blood feud existed - was factually incorrect, and that this formed an erroneous basis for the starting point of his own findings.

24. Judge Owens noted that, in her Reasons For Refusal Letter, the respondent relied on, inter-alia, country background information for Albania in which it was said that "customary Kanun law allows (not obliges) a blood feud murder only in three specific cases, (1) to revenge a first killing, (2) to make up for the killing of a guest, (3) to make someone pay who grabbed your wife". At paragraph 43 the Reasons For Refusal Letter stated:

> "It is therefore considered that you are not in a blood feud as borrowing money does not fall under the specific cases as listed above. From the limited evidence that you have provided, you have not advised the Home Office of your father killing a member of Albert or Kasem's family, or harm anybody associated with either Albert or Kasem. Also, you do not know if Albert and Kasem follow the Kanun law, a blood feud cannot exist without following Kanun. Considering the evidence in the round, it is not accepted that your family are in a blood feud."

25. Judge Owens also referred to the Reasons For Refusal Letter at paragraph 50, which states: "It is not accepted that an active blood feud exists, and it is therefore considered that you can return to

Albania and you would not be at risk of persecution or serious harm due to a blood feud."

26. Having had regard to the above paragraphs of the Reasons For Refusal Letter, the findings that (i) Judge Iqbal made a finding that there was an active blood feud; (ii) that Jetmir was a member of a particular social group; <u>and</u> (iii) that the Secretary of State also accepted that a blood feud existed, were all manifestly made in error. Judge Owens was satisfied that the judge made a mistake as to a material fact and that this informed the approach of the judge to the other issues in the appeal such as internal relocation and sufficiency of protection. In her lengthy Reasons For Refusal Letter the respondent considered that the situation in Albania had moved on since the decision of Judge Iqbal in 2016. The judge failed to analyse the material evidence before him, including the expert report, relating to whether the authorities could provide a sufficiency of protection and, if not, whether internal relocation was reasonably available.

27. Judge Owens did not however find that Grounds 2 and 3 were made out. She noted that, from the outset the appellant stated in his asylum interview and witness statement that he believed that there had been no further threats because the perpetrators (Kasem and Albert) were in prison abroad and that he knew this because when they came to his home to threaten him in 2019, they stated that they had been in prison. This was not mentioned for the first time at the hearing and was not an attempt to "make excuses". Judge Owens was satisfied that the judge's findings were adequate in this respect. The judge accepted the appellant and his brother to be credible. This was because the appellant's brother had previously been found to be credible. The judge also gave adequate reasons why he found that the appellant had no reason to fabricate his account of threats being made in 2019. The judge was entitled to give weight to the explanation for the absence of threats in the intervening period, which related to the perpetrators being in prison abroad, and because the appellant's father was working away in Greece. The judge was entitled for the reasons he gave to accept the appellant's claim that he had not been in contact with his family since arriving in the UK (a similar claim by Jetmir had been accepted in his appeal).

28. Upper Tribunal Judge Owens preserved the following findings of fact made by Judge Iqbal:

(a) The appellant and Jetmir were born in Kukes in Albania. The family later moved to Tirana.

(b) Jetmir is at risk from Kasem and Albert. His father borrowed 50,000 Euros from these individuals to set up a business and he was unable to repay them by the repayment deadline despite making requests to extend time or pay in instalments. They threatened to kidnap or kill Jetmir on

more than one occasion. They threatened to take him to beg on the streets or do other illegal activities. In October 2015 Jetmir was threatened by two men wearing balaclavas and carrying guns. After that he did not leave the house before leaving Albania on 6 November 2015 with his father.

(c) Kasem and Albert are powerful, wealthy and well-connected and could trace the appellant's brother to another area in 2016.

29. Upper Tribunal Judge Owens also preserved the following findings of fact made by Judge Coutts:

(a) The appellant was threatened with death by the same individuals - Kasem and Albert - in July 2019 if his father did not immediately repay the money.

(b) They informed the appellant that they had been in prison abroad. The appellant immediately left Albania with his father.

(c) That if the appellant is returned to Albania he would be sought by Kasem and Albert and, given the previous findings of Judge Iqbal about the reach and power of these individuals, that they would find the appellant anywhere in Albania.

(d) The appellant is not in contact with his family in Albania.

30. The case was retained in the Upper Tribunal but adjourned to determine the issues of sufficiency of protection and internal relocation. The further hearing would proceed by way of submissions only. Directions were issued requiring the appellant to confirm whether he intended to continue to argue that he is subject to a blood feud or whether he would argue that he is at risk from non-state agents without the blood feud element. The appellant confirmed that he continued to argue that he was subject to a blood feud.

The remaking hearing

31. I had before me the bundles of documents prepared for the First-tier Tribunal hearing. These included statements from the appellant (dated 28 May 2020 and 20 February 2021), a statement from Jetmir dated 27 August 2021, an independent medical report dated 24 January 2021, an independent country report on Albania prepared by Antonia Young dated 1 January 2021, and several country reports on Albania issued by, inter alia, the Council of Europe Group of States against Corruption ("GRECO"), the US State Department Report for the years 2019, 2020 and 2021, Freedom House reports on Albania dated 2020 and 2021, a US Overseas Security Advisory Council report dated 2020, and an Amnesty international report on Albania dated 7 April 2021. Also

provided were CPIN notes in Albanian blood feuds (February 2020) and Actors of Protection (December 2021).

32. There was no further oral evidence from the appellant. Mr Ahmad relied on his skeleton argument. He submitted that the appellant was involved in a blood feud and relied on the February 2020 CPIN at 3.4.1 in support of his submission that a debt can be the cause of a blood feud. He submitted that the definition of blood feud was broad enough to cover the debt owed by the appellant's father. As there was no threat to the appellant's mother the situation appeared to fall within a classic blood feud. He submitted that EH (blood feuds) Albania CG [2012] UKUT 00348 (IAC) supported the existence of a blood feud. In relation to whether the Albanian authorities were able to provide a sufficiency of protection, Mr Ahmad drew to my attention the fact that 4.5.1 of the CPIN dated December 2021, relating to police enforcement of the law, was in the same terms as the same report that had been before Judge Iqbal in 2016. In reliance on the background evidence referenced in his skeleton argument and the report from Antonia Young he submitted that corruption and a lack of transparency continued to be a problem. In respect of internal relocation, Mr Ahmad submitted that the two men that had targeted the appellant were accepted by Judges Iqbal and Owens to be powerful and capable of tracing the appellant anywhere in Albania.

33. Mr Walker's submissions focused on whether the appellant was involved in a blood feud. Mr Walker accepted that Kasem and Albert would be able to find the appellant anywhere in Albania, but he submitted that, in reliance on the British Embassy in Tirana letter dated 12 June 2014, the appellant was target by criminals and was not involved in a blood feud. As the appellant was not in contact with his father we didn't know what his circumstances were.

34. I reserved my decision.

Discussion

35. I remind myself that the burden of proof in a protection claim rests on the appellant, but that he can discharged this burden by reference to the lower standard of proof, i.e. by demonstrating that there is a real risk that he would be subjected to persecution or to torture or inhuman degrading treatment or punishment.

36. Other than the background evidence referred to in the Reasons For Refusal Letter, the respondent did not adduce any further background evidence for the purposes of the remaking hearing. Other than a reference to the British Embassy letter dated 12 July 2014, Mr Walker did not refer me to any particular background country evidence, although he relied on the Reasons For Refusal Letter.

37. I further remind myself of the preserved factual findings set out at [28] and [29] above. It is not in dispute that the appellant was threatened with death by Kasem and Albert, and that Kasem and Albert are powerful, wealthy and well-connected. My starting point is the conclusion of Judge Iqbal that Jetmir, who was also threatened by Kasem and Albert for the same reasons as the appellant was threatened, held a well-founded fear of being subjected to serious harm and that the Albanian authorities were unable to provide him with a sufficiency of protection. I am satisfied that the threat of death to the appellant, in circumstances where the appellant's brother was previously threatened with pistols, is capable of constituting an act of serious harm. I did not understand this to be disputed by the respondent. The issues to be determined are whether the appellant would be targeted because of the existence of a blood feud, and whether the Albanian authorities, 6 years after the decision in respect of the appellant's brother's protection appeal, are now able to provide a sufficiency of protection against the threat of serious harm by Kasem and Albert.

38. The appellant contends that he is in a blood feud with Kasem and Albert. Judge Iqbal did not however make any finding that a blood feud existed in respect of Kasem and albert, and she concluded that Jetmir was not entitled to international protection as a refugee. Judge Iqbal allowed Jetmir's appeal under Article 3 ECHR and he was subsequently granted Humanitarian Protection. This strongly suggests that Judge Iqbal considered the appellant was not in a blood feud, as understood by the extant Country Guidance decision of EH. I am not of course bound by Judge Iqbal's assessment in her decision relating to the appellant's brother.

39. The Tribunal in EH found, at headnote 2., that, "*The existence of a* '*modern blood feud*' *is not established: Kanun blood feuds have always allowed for the possibility of pre-emptive killing by a dominant clan.*"

40. I note on the particular facts of the appellant's claim there has been no killing, and, on the face of the account, there appears to be no issue relating to 'honour'. I make this observation fully aware of the danger of adopting a narrow Anglocentric approach. Kasem and Albert have targeted the appellant (and his brother) because they want the monies owed to them, plus the substantial interest. There is no besmirching of a family's honour. The appellant relies on the reference at 3.4.1 of the CPIN of February 2020 which relies on a 2017 report by "Operazione Colomba' (which in turn was based on a report by 'Panorama, 15 August 2015) detailing 'debt' as one of the causes of blood feuds. The organisation gave, as a single example of a 'debt' blood feud, an instance where a 19 year old seriously injuring a 27 year old over a 100 euro debt. The report itself was not provided. The details are vague. It appears that the serious injury itself, occasioned by the debt, led to the establishment of a blood feud. That is not the case on the instant facts.

There has been no physical injury at all. Nor is there any other reference in the background documents before me to a ‘debt’ being a cause of a traditional blood feud. Having regard to headnote 2 of EH, the particular facts of the appellant’s claim do not resemble a blood feud as understood in EH, or in the background evidence relied on by the appellant in his skeleton argument.

41. I additionally take into account the appellant’s evidence that he was unaware whether Albert and Kasem followed the Kanun code, which militates against this being a traditional blood feud. Mr Ahmed submitted that the fact that the appellant was not targeted between 2015 and 2019 until he was 17 could be attributed to respect and adherence for the Kanun code, but the appellant explained that Kasem and Albert were imprisoned abroad during this period. Having considered the evidence relating to the asserted existence of a blood feud ‘in the round’, I am not persuaded that a blood feud exists. I am not therefore satisfied that the appellant was being targeted for a Refugee Convention reason.

42. In assessing whether the Albanian authorities can offer the appellant a sufficiency of protection as someone who fears Article 3 ECHR ill-treatment, I have considered the background evidence referenced in the Reasons For Refusal Letter. This first describes the structure, duties, priorities and organisation of the Albanian police force (at paragraphs 83 to 90), and then gives details of anti-corruption framework and measures that have been established and the mechanism involved for dealing with complaints (at paragraphs 92 to 95). Specific consideration is given to the situation concerning blood feuds (at paragraphs 96 *et seq*) summarising the various laws relating to the punishment of offences relating to blood feuds, the initiatives undertake by the police, and the (mixed) views of those initiatives by NGOs. This evidence suggests, at least in the context of traditional blood feuds following Kanun law, that the police are more willing to intervene and monitor those blood feuds, although their efficacy and efficiency was criticised by some NGO’s. Some refence was made to an improvement in police corruption. The Reasons For Refusal Letter later referred to statistics in various US State Department reports concerning the rising number of reported complaints about police corruption.

43. The appellant relies on an expert country report prepared by Antonia Young which is dated 1 January 2021. In assessing this report I have taken into account judicial scrutiny given to other reports she has prepared in other appeals, including the Court of Appeal in (MF (Albania v SSHD [2014] EWCA Civ 902: [16] to [18]). The Court of Appeal made certain criticisms of her evidence but accepted at [16] that Ms Young's summary of her qualifications and experience shows that she has "considerable experience of Albania" (in that particular case in the context of blood feuds). I note further criticism of Ms Young’s evidence

in BF (Tirana – gay men) Albania [2019] UKUT 0093 (IAC), although that appeal decision did not relate to blood feuds.

44. In her report Ms Young refers to several older human rights reports, but she also references an article for Transparency International dated 23 January 2020, which found that, on the organisation's 'corruption index', Albania had dropped 23 places in three years. She additionally referred to the latest USAID Albania Fact Sheet 'Anticorruption' (March 2016 through March 2021), which noted that "corruption continues to be a complex and pervasive challenge in Albania, impeding economic growth and damaging the faith of citizens in government." Reference was made to articles concerning corruption in the Albanian judicial system. A general theme of her report relates to the non-implementation of anti-corruption laws, which is reflected in the US State Department report for 2019:

> "The law provides criminal penalties for corruption by public officials … but the government did not implement the law effectively. Officials frequently engaged in corrupt practices with impunity. Corruption was pervasive in all branches of government."
>
> "Impunity remained a serious problem, although the government made greater efforts to address it. Prosecution, and especially conviction, of officials who committed abuses was sporadic and inconsistent. Officials, politicians, judges and persons with powerful business interests often were able to avoid prosecution"…

45. Ms Young's report also comments on the prevalence of organised criminal groups in Albania, although she relies on reports of some vintage (going back to 2014 and 2015). She references background sources commenting on the rise of extortion and extortionate debt collection by criminal gangs in Albania. Whilst she acknowledges that the effectiveness of the police in Albania was reported to be gradually improving, she referred to several reports, including the CPIN reports and the US State Department reports, to the effect that corruption within the police force continues to be a pervasive problem, and she referred to newspaper articles reporting on the death of two individuals who had not received adequate police protection.

46. In her decision Judge Iqbal quoted from the US State Department Report 2015, which confirmed, "Police do not always enforce the law equally. Personal associations, political or criminal connections, poor infrastructure, lack of equipment or inadequate supervision often influence the enforcement of laws … impunity remained a serious problem."

47. The appellant points to the similarity with the US State Department Report 2020, detailed in the CPIN 'Albania: Actors of protection', December 2021, which reads, "Police did not always enforce the law equitably. Personal associations, political or criminal connection,

deficient infrastructure, lack of equipment, and inadequate supervision often influenced law enforcement. Authorities continued to address these problems by renovating police facilities, upgrading vehicles, and publicly highlighting anticorruption measures."

48. On the particular facts of this case the appellant's family had already reported the serious threats made by Kasem and Albert, albeit in 2015, but that the police did not offer any help. This is consistent with the preserved finding that Kasem and Albert are powerful, wealthy and well-connected, and it is consistent with the appellant's evidence that Kasem and Albert are very dangerous, have lots of connections, and are part of a large criminal network. I further note that the appellant's family had already gone to the police, albeit in 2015, but had not received any assistance from them.

49. Having carefully considered and evaluated the documentary evidence relied on by both parties, and applying the Horvath [2000] UKHL 37 test in respect of the availability of a sufficiency of protection (noting that the standard is not that which eliminates al risk amounting to a guarantee of protection, but rather a practical standard which takes account of the duty a state owes to all its own nationals), and noting that Regulation 4(2) of the Qualification Regulations provides that protection shall be regarded as generally provided when the state takes reasonable steps to prevent the persecution or suffering of serious harm by operating an effective legal system and the claimant has access to such protection, I find that, although there is in general a sufficiency of protection available for those who have been targeted by criminals in Albania, on the particular facts of this case, and in light of the preserved findings, a sufficiency of protection is not available to this particular appellant in Albania. It is apparent from the preserved and unchallenged findings that the appellant has been targeted by individuals in respect of whom there is a real risk they are part of an organised criminal gang, who are very dangerous, and who are well connected. The background evidence that has been placed before me and which I have weighed up does not, in my judgment, point to an improvement in the criminal justice and enforcement system that would obviate the existence of a real risk of serious ill-treatment to the appellant if he is removed to his home area of Tirana.

50. I now consider whether the appellant can avail himself of the internal relocation alternative. There are two limbs to the assessment of internal relocation; the first is whether an applicant would have a well-founded fear of persecution or a real risk of suffering serious harm in the place of proposed relocation, the second is whether it would be reasonable for the person to relocate to that place – see **AS (Safety of Kabul) Afghanistan CG** [2020] UKUT 00130 (IAC), at [23]). As stated in **SSHD v SC** [2018] WLR 4004, [2017] EWCA Civ 2112 at [39]:

> "The tribunal only reaches the [reasonableness] stage of the test if it is satisfied that the person would not be exposed to a real risk of serious harm."

51. My starting point in assessing the availability of internal relocation is rooted in the preserved factual findings at [28] and [29] above. These are: (i) Kasem and Albert are powerful, wealthy and well-connected and could trace the appellant's brother to another area in 2016; and (ii) that if the appellant is returned to Albania he would be sought by Kasem and Albert and, given the previous findings of Judge Iqbal about the reach and power of these individuals, that they would find the appellant anywhere in Albania.

52. I take into account the relative small size of the country, both in terms of his geography and its population, and the unchallenged evidence in the expert report relating to the need for an individual to register with their local municipality in order to access public services, which would increase the risk of the appellant's new location being discovered, and that in order for an entry on the Civil Registry to be amended to reflect a person's new place of residence, that person must notify the authorities in their home area that they have moved away from the address. Given the preserved findings, and in light of the evidence of the degree of corruption within Albanian society, I am satisfied that there is a real risk that the appellant's presence in another part of the country would eventually be discovered and that he would therefore still be exposed to a real risk of serious harm wherever he went in Albania.

<u>Notice of Decision</u>

The asylum appeal is dismissed

The appeal is allowed on Humanitarian Protection grounds.

D.Blum 11 August 2022

Signed Date:

Upper Tribunal Judge Blum