



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

Case No: UI-2023-001139  
First-tier Tribunal No PA /52392/2022

**THE IMMIGRATION ACTS**

**Decision & Reasons Issued:**  
**On 14 December 2023**

**Before**

**DEPUTY UT JUDGE FARRELLY**

**Between**

**KC**

Appellant

**And**

**THE SECRETARY OF STATE FOR THE HOME DEPARTMENT**

Respondent

For the Appellant: P Shea Counsel, instructed by Crystal Chambers(Direct Access Elizabeth Lanlehin).

For the Respondent: Ms S McKenzie , Home Office Presenting Officer.

**Heard at Field House on 21<sup>st</sup> August 2023**

**DECISION AND REASONS**

Introduction

1. The appellant is an Albanian national, born in 1999. He entered the United Kingdom illegally in May 2017 . He was placed with the children services as an unaccompanied minor.
2. A referral was made to the Competent Authority : a positive decision was made followed by a conclusive decision. The respondent acknowledge he could be considered a member of a particular social group, namely a victim of trafficking.
3. His claim for protection was refused on the basis there was State protection for him and the option of internal relocation.

4. His account was that he lived in a village with his parents, younger brother and two sisters. Their father had issues with alcohol. The appellant wanted to go to college and the fund his studies he took up employment with a man he refers to as 'the Boss.' He began by tending cannabis plants between June and August 2015. In October 2015 he became involved in the selling of cannabis. He left Albania in November 2016 and went to Greece where he remained for several weeks before returning. He said he left his home country on 4 May 2017 and after travelling through various European countries he came to the United Kingdom on 10 May 2017.
5. His appeal was heard at Manchester on 25 January 2023 before First-tier Tribunal Judge Alis. Both parties were represented. The issues before the judge included whether there was effective State protection in Albania and whether it was unreasonable or unduly harsh expect the appellant to relocate. The appellant claimed to have reported 'the Boss' on several occasions but the police did nothing. He claimed he was receiving threats over Facebook but these ceased when he came to the United Kingdom. In 2019 he was assaulted in Manchester by three Albanians and suggests this was connected.
6. The judge had regard to the case law on trafficking as well as the country information including the respondents CPIN as well as the appeal bundle consisting of 391 pages with a supplement of 34 pages.
7. The appellant's account of being trafficked was not challenged. His account that he was a victim of human trafficking was considered credible.
8. The judge made the point that the appellant's involvement with drugs was when he was around 16 years of age. At the time of the appeal he was 23 years of age and had been United Kingdom four years. The judge felt the fact he would be returning as a 23-year-old male was significant .The judge noted he had maintained contact with his mother and siblings and so had a support network .
9. The appellant suggested that because his father was an alcoholic he would be unreliable and might reveal his details. The judge commented that the appellant never had legitimate employment in Albania He also has been unable to work in the United Kingdom because of his lack of immigration status. The judge did not see any real significant mental health issues.
10. The judge accepted he had experienced problems in the past with 'the Boss' but concluded he could relocate and there was no evidence that 'the Boss' had any influence outside his local area. The judge also referred to the assault in the United Kingdom but was not satisfied there was any connection between it and 'the Boss.' The judge did not see any other reason why he could not be returned.

The Upper Tribunal

11. Permission to appeal to the upper tribunal was granted by First-tier Tribunal Judge Hamilton. The judge accepted that it was arguable the judge had not given adequate reasons for concluding he was not at risk of being located by 'the Boss' or that the assault in the United Kingdom was not connected to him .
12. At hearing Mr Shea referred me to paragraph 32 of the decision where the judge refers to the specific facts. He pointed out that the appellant's account of being trafficked at the age of 16 was found to be credible and that he had gone to the police and they had not pursued his complaints. He submitted that if the appellant were returned he would continue to be unprotected and at risk. He submitted relocation would not remove the risk. In the event I found an error of law he suggested the appeal should be remitted back for rehearing on these issues in the First-tier tribunal.
13. Ms McKenzie confirmed there was no rule 24 response. She submitted that the grounds were a mere disagreement with the outcome. The judge dealt with the evidence and gave reasons for the outcome. It was not clear what else the judge could have considered. At paragraph 8 the judge identified the issues arising. The judge was clear as to what had to be determined. At paragraph 38 he referred to the country information in relation to relocation and that a fact sensitive approach was necessary.
14. The judge had accepted that the appellant had experienced problems in the past with 'the Boss' but was not satisfied he would be unable to relocate away from his home area. The judge saw no credible evidence the man he named had such influence that would place him at risk.
15. She submitted it was not correct the judge had not given reasons for the conclusions reached. I was referred specifically to paragraph 34 of the determination and the limited information available . The judge dealt with the suggestion that his father might disclose his whereabouts. The judge saw little evidence of this as a risk. I was referred to the judge's finding at paragraph 10 and 11 where the appellant accepted an absence of contact from this individual.
16. Ms McKenzie suggested if I found a material error then the matter should be retained in the upper tribunal given the undisputed facts which could be preserved.
17. Mr Shea not wish to add anything further .

#### Consideration

18. The judge clearly identified the issues to be resolved at paragraph 8. This was against a background where the appellant had been accepted as a victim of trafficking. The judge treated him as a vulnerable witness and accepted the account given was credible.
19. At paragraph 24 the judge referred to the guidance on the correct approach to be taken in relation to a Conclusive Grounds decision. The judge pointed out that the issue of trafficking may be relevant a breach

of protected rights if returned, even where it is not asserted there remained a trafficking risk.

20. The judge started the assessment by acknowledging the respondent had not challenged the appellant's account of the trafficking and approached the appeal on the basis the Competent Authority had confirmed he was the victim of modern slavery. In submissions the judge was referred to relevant case law as well as country information. The judge himself referred to relevant case law. The judge then highlighted aspects of the latest CPIN report of December 2022. This clearly was an up-to-date report in relation to when the appeal was heard.
21. The judge focused upon the issue of relocation and the possibility of the individual he feared reconnecting and the question of sufficiency of protection. The country information indicated advances in Albania but the judge pointed out that each case must be looked at on its own facts. This is what the judge did. This is detailed at paragraph 32. These were findings open to the judge.
22. The judge made a legitimate point that when he left Albania he was a child and now he was an adult. The appellant maintain contact with his mother and siblings and so there was a support mechanism for him. The judge dealt with his concern about his father. The judge found the appellant had not demonstrated he could not relocate and that there was no credible evidence that the man he feared had influence in that situation. At paragraph 34 the judge had referred to the appellant providing limited evidence about this man.
23. It is my conclusion, having regard to the challenge and having considered the determination there is no material error of law demonstrated particular, I find no error in relation to how the judge dealt with the issue of risk on return and in particular relocation and sufficiency of protection.
24. The judge went on to consider his ability generally to reintegrate and referred to the high threshold. The judge did not see any compelling circumstances whereby the appeal to be allowed on a freestanding article 8 basis. I see no error arising in the circumstance. In conclusion therefore I find that the judge has correctly understood the issues and has carefully considered the evidence, made appropriate findings and given adequate reasons.

## **Decision**

No material error of law has been demonstrated. Consequently, the decision of First-tier Tribunal Judge Alis dismissing the appeal shall stand.

**Francis J Farrelly**

Deputy Judge of the Upper Tribunal  
Immigration and Asylum Chamber

Date 8 December 2023