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Case No: LE21C00602

IN THE HIGH COURT OF JUSTICE
FAMILY DIVISION

Royal Courts of Justice
Strand, London, WC2A 2LL

Date: 18/02/2022

Before :

MRS JUSTICE LIEVEN

Between :

LOCAL AUTHORITY B

Applicant

and

BD

First Respondent

and

TS

Second Respondent

and

K

(through her Child's Guardian)

Third Respondent

Ms Lorna Meyer QC and Ms Kirsty Gallacher (instructed by the local authority) for the Applicant

Ms Shiva Ancliffe QC and Ms Rachel Francis (instructed by Scutt Beaumont Solicitors Ltd) for the First Respondent

Ms Penny Howe QC and Ms Hannah Simpson (instructed by **Cartwright King Solicitors**)
for the **Second Respondent**
Mr Ben Mansfield (instructed by **Smith Partnership Solicitors**) for the **Third Respondent**

Hearing dates: **9-11 February 2022**

Approved Judgment
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MRS JUSTICE LIEVEN

This judgment is being handed down in private on 18 February 2022. It consists of 75 paragraphs.

The Judge hereby gives leave for it to be reported.

The judgment is being distributed on the strict understanding that in any report no person other than the advocates, the solicitors instructing them, or persons (other than the parties, members of their extended families and their children) identified by name in the judgment itself, may be identified by name or location. In particular the anonymity of the children and the adult members of their family must be strictly preserved. If reported, it shall be the duty of the Law Reporters to anonymise this judgment.

Mrs Justice Lieven DBE :

1. This case concerns a baby ('K') who was born in April 2021. The First Respondent is the Mother ('BD'), the Second Respondent is the Father ('TS') and both parents are from Country X. K has been in foster care since a few days after she was born. The Local Authority ('LA') allege that BD is a victim of people trafficking and TS is involved in trafficking. I decided to hold a 3 day fact finding hearing to only consider the evidence of the parents so that I could make findings of fact in relation to the alleged trafficking, as set out in the LA's threshold document, upon which future welfare decisions could be based.
2. It was agreed between the parties that I would only consider at this hearing the issue of whether or not TS and BD had been trafficked; or BD alone had been trafficked; or whether TS had been involved in trafficking BD. I heard both BD and TS via interpreters.
3. The history of this matter is somewhat complicated, largely because BD has completely changed her story as to how she came to be in the UK and both parents have told materially different versions of key events to different agencies, including to the Court at different times and to the Home Office. Even in the oral evidence they gave to this Court there were some important differences between BD and TS's evidence on key issues.
4. As I will explain below, I consider neither parent to be a reliable witness, indeed I am confident that both have lied, not just in earlier witness statements but to this Court. Given the lack of documentation or any other corroborative evidence, it makes it

impossible for the Court to know the history of the parents. I will set out below the versions of events that they have told, at various different points, and my conclusions on the threshold facts the LA seek to establish. I keep closely in mind at all times that it is for the LA to prove its case on the balance of probabilities and there is no burden on the parents to prove anything. Setting out the facts below I will assume what the parents have said is true when it is wholly uncontentious, or there is some corroborative evidence.

5. Both parents are from Country X. BD was born in 1998 and is the sixth of ten children. She comes from a village and left school at the age of 15. TS was born in 1990 and attended primary school in the capital city of Country X. TS says that he became involved in drug related criminality in Country X from when he was a teenager. In 2011 he was imprisoned for attempted murder relating to drug gangs. He says that the sentence was reduced because of his, or the gang's, ability to influence the sentence. In oral evidence he says that he acted as an enforcer for his gang, and that involved violence. When he was released from prison he worked as a bodyguard for a politician.
6. TS says that the attempted murder gave rise to a blood feud in Country X with the extended family of the victim.
7. The parents got married on 16 April 2017; both agree this was an arranged marriage and they had not met before. I have seen the video of the wedding and I have no reason to believe it was not a genuine marriage. It is not possible to tell whether BD freely entered into that marriage.
8. At some point fairly soon after the wedding, TS left Country X. In his statement he says this was 2018 but, given his accounts, it may have been earlier in 2017. At all points in his oral evidence TS was markedly vague about dates.
9. He says he first went to Country Z for a month to a city in Country Z for a holiday. He then returned to Country X for a few months. He then went to Country Y, came back to Country X and then returned to Country Y. His brother lives in a city in Country Y.
10. I note that his application for asylum and the case that he put in his statement of 23 December 2021 was that he left Country X because of the alleged blood feud. However, he appears to have travelled quite freely between the rest of Europe and Country X in this period with no evidence of fear of a blood feud preventing a return to Country X. In any event, as the oral evidence transpired, he accepted that he did not in fact come to the UK because of the alleged blood feud.
11. TS says that the first time he went to Country Y he worked in Country W in construction, but he applied twice for asylum in Country Y. Again, the dates are unclear and confusing. The documentation suggests that he made two applications for asylum in early 2019 but, given his account, he may have applied earlier. I note that the Court saw no original documents, only copies, with TS saying the originals are held by his brother.
12. TS says that during the second time he was in Country Y he started to work for an organisation running cannabis houses in a city in Country W. He says the organisation was run by Internationals and he was high up and trusted in this organisation. He was somewhat coy about what he did, but said he found workers for the organisation and

was an “enforcer”. He said the workers were Country X nationals but living in Country W and he said that enforcing could involve punishment if the workers broke the rules, but that he did not give punishments.

13. TS said that he decided he wanted to leave this group, but he was too important to them to let him leave and it was contrary to “the rules”. In any event, he fell out with them and he said that he was in fear that they would kill him. He therefore went straight back to the city in Country Y, collected BD and went to Country R to get a lorry to enter the UK illegally. This was on a date in June 2020.
14. BD’s version of these events is strikingly different. She says that she came to the city in Country Y in March 2020. She said that she and TS talked about moving to the UK for a better life because they wanted to have a family. She said that they had planned to move to the UK. She gave her evidence first and said nothing about TS suddenly arriving in that city and telling her they were leaving that day or the next day. She denied knowing that TS had been engaged in drug related activities in Country W and had to leave continental Europe because he was afraid of being killed by his associates in Country W.
15. TS’s evidence was that he did not discuss why they were leaving the city in Country Y immediately and he did not tell BD about his falling out with the drug gang in Country W. He told her they were going, and they went. TS left his passport with his brother in the city in Country Y. BD says she threw her passport away when she got to England.
16. I am inclined to believe TS on this part of the story, in terms of the sudden decision to leave. However, I do not know what his reason for doing so was. It may be that he was telling the truth, or it may be that he came to the UK to engage in further criminality here. I simply do not know.
17. They travelled to Country R and TS arranged a lorry to take them to England. He says he paid roughly €64,000 in cash for this journey, the money was paid when they arrived in England. He says he earned this money in Country W. There was some confusion over what was paid, and he suggested that there was some debt outstanding in respect of the International gang. On BD’s evidence she had no involvement in the arrangements and simply did whatever her husband told her to do.
18. They arrived in the UK and stayed with some Country X nationals in a flat in London for a day. They then decided to come to the Midlands. At this point the story becomes incredible and I do not believe either of their evidence. I simply recount here what they said. BD said she Googled towns in England, came up with a city in the Midlands and decided to move there. She said: “it looked like a small quiet city and we would settle quicker.”
19. TS says he paid £500 in cash for a taxi to take them to the Midlands. TS says they got out of the taxi at the train station, happened to meet some Country X nationals who directed them to Flat A where, by good fortune, they found a phone number, rang the agent and arranged to stay. I note that this was during Covid lockdown and neither parent spoke English, although TS plainly now speaks some English. This story is incredible.

20. They commenced living in Flat A. Flat A is managed, as was the next property they lived in, by Estate Agent S. Estate Agent S is a company which Police intelligence indicates has links to trafficking. The papers in this case include witness statements from Detective Sergeant M and various documents about suspicions of trafficking and exploitation in the Midlands. I determined not to call Detective Sergeant M at this hearing because I simply wanted to understand and consider BD and TS's evidence. I give no weight to any opinion evidence of Detective Sergeant M. However, there are some matters of record. A European man, LN, entered a guilty plea and was sentenced in respect of modern slavery, fraud and imitation firearm matters on 10 August 2021. LN's sister is NP who has a direct financial link to the property at Flat B. There is a definite link through NP to Estate Agent S.
21. BD's evidence was that she worked as a cleaner for a lady called RT, who works for Estate Agent S. She cleaned for RT and paid the rent from her earnings. TS's evidence was that for the first 3 months he did not work and, so far as he knew, neither did BD. I note that they were living in the same flat, so it is not believable that he did not know whether she worked or not. The Guardian and the LA rely on this work as supportive of BD being trafficked. I find it difficult to understand why BD would have lied on this point, save perhaps if the family income was coming from illegal activities.
22. BD says she discovered she was pregnant in August 2020.
23. On 28 November 2020 BD applied for asylum. Her application was based on her being a victim of human trafficking. She told the Home Office that she had been subject to an arranged marriage with a man who then took her to Country Y and forced her into prostitution in Country Y. She was then brought to the UK in a lorry by Country X nationals and forced into sex work. After some time, she escaped and was helped by a man from Country X who provided her with accommodation. She now says this entire story was a lie.
24. BD's evidence now (and since June 2021) is that she had taken advice from an immigration solicitor whom she had found on Google. She and TS had taken a taxi to London and she had seen the solicitor whilst TS waited outside. She had told the solicitor the blood feud story, but he had said that that story was not good enough for the Home Office. He had given her a false story about trafficking, including a typed up detailed note, which she then used to make her application. She could not remember the name of the solicitor, nor where his office was although she said it was on the outskirts of London. She could not explain why she had chosen a solicitor in London rather than the Midlands or closer to home other than a rather vague "it is the capital and you find everything there". Her evidence was that she did not tell TS about the false trafficking claim and told him that she had claimed asylum on the basis of the blood feud. TS said he knew nothing about this trip to the solicitor, the advice, nor the fact BD said that she had paid £1000 which she had taken from their funds.
25. I find the evidence about the solicitor not believable. Whether or not the parents saw anyone who held themselves out to be a solicitor is wholly unclear. The typed document, which was later found in the parents' flat at Flat B, appears probably to be part of an immigration fraud, but who it was produced by is not clear. The evidence as to how the solicitor was found, and that TS knew nothing about it, is not believable. I note again that TS's evidence differed markedly from that of BD; he said that he did

not travel to London and wait outside the office even though he was sitting in Court when she gave her evidence.

26. On 16 January 2021 the parents had a private baby scan which showed the baby at 26 weeks. The parents attended a second private scan on 22 April, when BD was 40 weeks and 13 days pregnant. One of the odd pieces of evidence in this case is that both parents say that BD's brother is living in the Midlands. BD says she has only had minimal contact with him, but he attended both scans. TS says BD's brother only attended one scan.
27. TS says that after about 3 months in the UK he started to work in construction and gardening, largely in other cities in the Midlands, and was often away from home.
28. On 23 April BD presented at a hospital in the Midlands and the scan showed she was 40 weeks and 13 days pregnant. She had an emergency caesarean. She said she was an asylum seeker and had been the victim of sexual exploitation and trafficking. She said she had been driven to hospital by a Country X national and a friend, but she didn't know their names. She gave the address of Flat B. The police were involved, and they communicated with the Home Office. Detective Sergeant M from the Modern Slavery Team knew that Flat B was linked to organised crime through Estate Agent S. BD was visited in hospital by the police and social workers and it was decided to make a care application.
29. On 27 April HHJ Godwin made an Interim Care Order ('ICO'). K was placed in foster care. BD was supported through the National Referral Mechanism ('NRM') and placed in confidential hostel accommodation.
30. When the police attended at Flat B, they found a few nappies and a baby-grow but no other preparations for the baby. They also found the detailed typed note, with photos, that BD says was given to her by the immigration solicitor. TS says he has never seen this document before the proceedings.
31. On 7 May BD made a statement in which she advanced the trafficking story. On 14 May BD told the police that the friend who had helped her was called TS, and she repeated this on the 14th when she applied for contact with K.
32. On 24 May TS applied for asylum. On his asylum questionnaire he claimed he had come to the UK because of the blood feud. He said that he had come at the end of 2020, said he was sleeping on the streets, and he made no mention of fleeing the organized crime group in Country W. In Court, TS claimed that the Country X interpreter at the Home Office knew about the blood feud in Country X, was prejudiced against him, and did not properly interpret his answers. There is no reflection of this assertion on the questionnaire form.
33. Throughout this period BD was having virtual contact with K. On 3 June BD told the support worker in the hostel that TS was her husband and the father of the child, that they had come to the UK together in a lorry and that they were advised by a solicitor to falsely claim that she had been trafficked.
34. On 9 June it emerged that BD had been in some form of contact with TS and had told him she was in Northern England. She was moved from the hostel to hotel

accommodation. On 11 June she made a third statement giving the story which she now relies upon, most of which is set out above. She said her husband and her brother had taken her to hospital. BD initially said in evidence that she had not spoken to TS between the birth and 3 June, but then rapidly changed her story to say that she had texted him to say she was in Northern England but no more. She said she had wiped all the contacts in her phone because she wanted to keep to the trafficking story.

35. On 18 June TS was established by DNA test to be the father. On 2 July face to face contact between BD and K commenced. This was initially subject to very strict controls to ensure that TS and anyone involved in trafficking did not locate K and the foster carers. BD's contact with K has at all times been highly positive. Since TS has commenced contact, that is also positive, and the contact notes suggest BD and TS together communicate positively with the child.

BD's evidence

36. BD was adamant that she was not the victim of trafficking; was not exploited by anyone and was not being coerced by TS or her brother or another family member. She said she lied for asylum purposes to stay in the UK on the advice of the solicitor.
37. BD's presentation to the Court was extremely odd. She gave her evidence in a way that suggested she had been highly coached. She showed no emotion and sat with a fixed look. When caught out in a particularly obvious lie she simply said she did not recall. However, for the reasons given in caselaw, I am wary of placing too much weight on her demeanour given the pressures that are generally on witnesses and the particular pressures on BD. My conclusions on BD's evidence are based on her evidence, rather than her demeanour.
38. I am sorry to say that I place no weight on BD's evidence. There was no apparent difference between those parts of her evidence when, in my view, she was plainly lying, such as the trip to the solicitor and how she arrived in the Midlands, and when she might have been telling the truth, such as her time in Country Y. She made no mention of TS's urgent trip back to the city in Country Y to collect her, although I am inclined to think he was more likely to be telling the truth on this part of the story than her.
39. My overall impression was that she was saying what she had been told to say, but by whom and in what circumstances it is not possible to tell.
40. I take into account the principles in *R v Lucas* [1981] QB 720 that witnesses may tell lies for a variety of reasons, and the fact that they lie about one matter does not mean that everything they say is untrue. The difficulty with this case is that BD (and TS) have lied so much and told such inconsistent stories that I have reached the conclusion that I can place no weight on their evidence and it is virtually impossible to pick truth from lies.
41. BD said she did not know that TS had been responsible for stabbing someone in Country X and did not know about the alleged blood feud until about a month later. She claimed not to know about his criminal activities in Country W.
42. She said that they had discussed moving to England for a better life because they wanted to have a family and have a better life in England. That was in total contrast to TS's

evidence that he had suddenly decided they had to move to England to avoid the threat from his criminal associates in Country W. Her account of going to England was that she simply did what TS told her, she didn't speak to the lorry driver and didn't know what nationality he was.

43. One of the most concerning features of this case is the fact that BD sought no antenatal care and arrived at hospital 40 weeks and 13 days pregnant. Also, that no preparations seem to have been made for the baby. BD said that she believed that she would have to pay for antenatal care and did not realise that such healthcare was free for asylum seekers. She said it was normal in Country X not to seek healthcare before the baby was born. This seems odd given that she had had two scans (privately). She said that she thought that once she had the baby, the Home Office would look after her and the baby. I find this evidence not believable. TS had been quite knowledgeable about his rights to free healthcare in Country Y as an asylum seeker. She had attended a private scan in January 2021 and, if her story is true, there is no reason she would not have asked for advice at that stage. Equally, I do not believe that she thought that she and the baby would be almost magically helped by the Home Office. BD and TS, although new to the UK, were perfectly capable of organising illegal entry, finding accommodation, finding work and seeking asylum. I do not find it credible that BD did not realise she could seek healthcare, or that she thought the Home Office would look after her and the baby. If she genuinely believed this, then why not seek such help in advance of the birth.

TS's evidence

44. TS gave his evidence in a confident manner. He seemed oddly impervious to the fact that he was admitting to very serious criminality and, even on his own case, significant violence in Country X. Ms Howe suggested that I should give him credit for being "candid" about his criminality. I should make it entirely clear that I have no idea whether he was being candid or not. It is perfectly possible that his criminality in Country W, or Country X, was more serious than he was admitting. I am of the view that when he was "candid" it was because he calculated it would assist him in the case.
45. It was extremely odd that he totally contradicted BD's evidence in respect of the alleged visit to the solicitor even though he was sitting in Court when the evidence was given, and the evidence was given by BD in their native language, so he must have understood what she was saying.
46. It was clear from his evidence that he had lied to the Home Office as to his reasons to come to the UK, and the date on which he came. I am also confident that he lied to me about how he and BD came to the Midlands, how they found the flat, and his connections in the Midlands.
47. Further, his evidence as to the property and his relationship with Estate Agents S was not believable. He said that he had been locked out of Flat B, had been homeless for a few days, but had then gone back to Flat A. He could not answer any questions as to why he had been released from a tenancy at Flat B, and the circumstances in which he had been allowed to simply move back to Flat A. It seems to me to be extremely likely that there was some relationship between him and Estate Agents S which he is not being honest about.

The law

48. The basic principles in a finding of fact hearing were helpfully summarised by Baker J (as he then was) in A Local Authority v (1) A Mother (2) A Father (3) L & M (Children, by their Children's Guardian) [2013] EWHC 1569 (Fam). I set out those which bear upon the facts of this case:

“45. First, the burden of proof lies at all times with the local authority.

46. Secondly, the standard of proof is the balance of probabilities.

47. Third, findings of fact in these cases must be based on evidence, including inferences that can properly be drawn from the evidence and not on suspicion or speculation. I have borne this principle in mind throughout this hearing.

...

51. Seventh, the evidence of the parents and any other carers is of the utmost importance. It is essential that the Court forms a clear assessment of their credibility and reliability.

*52. Eighth, it is common for witnesses in these cases to tell lies in the course of the investigation and the hearing. The Court must be careful to bear in mind that a witness may lie for many reasons, such as shame, misplaced loyalty, panic, fear and distress, and the fact that a witness has lied about some matters does not mean that he or she has lied about everything (see *R v Lucas* [1981] QB 720).*

...”

49. In respect of the relevance of lies the Court of Appeal in Re H-C [2016] EWCA Civ 136 expressly stated that the principle in Lucas applied to family cases, see [97-102].
50. I have been referred to Re A (Application to Care and Placement orders: Local Authority Failings) [2015] EWFC 11 about the difficulties when the LA cannot produce witnesses who can speak to matters first hand if the parent goes into the witness box and denies the allegation. However, in my view, that type of case is a very long way from the present. Here, we have a Father who accepted very serious criminality, and evidence from both parents which is not credible. The fact that the LA cannot produce evidence as to what really happened cannot lead to the conclusion that the Court should not make findings adverse to the parents.
51. I have also had regard to Re B (Care Proceedings: Standard of Proof) [2008] UKHL 35 as to the burden of proof and the necessity of making findings rather than finding matters unproven, see Lord Hoffman at [32]. However, that cannot mean that where there are matters which are not critical to the Threshold allegations, such as here the circumstances in which the Father decided to leave his criminal activities in Country W, it is necessary for the Court to make findings on those matters.

The submissions

52. Ms Meyer, on behalf of the LA, argued that BD was a victim of trafficking. She (and Mr Mansfield) relied on the definition of trafficking in Article 4 of the Warsaw Convention:

“Warsaw, 16.V.2005

Article 4 – Definitions

For the purposes of this Convention:

a “Trafficking in human beings” shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs;

b The consent of a victim of “trafficking in human beings” to the intended exploitation set forth in subparagraph (a) of this article shall be irrelevant where any of the means set forth in subparagraph (a) have been used;

c The recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation shall be considered “trafficking in human beings” even if this does not involve any of the means set forth in subparagraph (a) of this article;

d “Child” shall mean any person under eighteen years of age;

e “Victim” shall mean any natural person who is subject to trafficking in human beings as defined in this article.”

53. She pointed to the fact that TS had an accepted involvement in organised crime in Country X and Country W. She said the evidence suggested he remained so involved in the UK.
54. She argued that the evidence suggested BD was either being exploited or TS intended to exploit her; there was an imbalance of power going back to the circumstances of her marriage; she had not been told about TS’s criminality when she married him; she appeared to be moved both in Country X and then to Country Y without her exercising any free will; and she had only been told that they had to leave Country Y in the 24 hours before doing so.
55. She said there was evidence of sexual exploitation in the UK from the late presentation to hospital and failure to access antenatal care; the use of private baby scans; the lack of preparation for the baby; and the “false” account of trafficking. She referred to a number of discrepancies in both parents’ evidence that I have referred to elsewhere.

56. Ms Ancliffe, on behalf of BD, stressed that the burden of proof is on the LA and that the fact the Court has only heard from BD and TS must not lead to an unwitting reversal of the burden. She also emphasised that the opinion evidence of Detective Sergeant M must not infect the Court's judgment.
57. Ms Ancliffe relied heavily on *Lucas* and the fact that BD has given various accounts at different times does not mean that her current version is not true. BD lied "in a desperate bid to secure permission to stay in the UK". The fact she does not want to give the name of the alleged solicitor "is not surprising because she may fear repercussions".
58. Ms Ancliffe argued that BD is acutely vulnerable as an illegal migrant who was smuggled into the UK, with limited education and support network, as well as a list of other closely associated reasons. She argued that BD's vulnerability was a "magnetic factor".
59. She also emphasised that the parents are both warm and appropriate with their daughter.
60. Ms Howe, on behalf of TS, emphasised that the context of this case being a patriarchal society in which a wife may be expected to follow her husband and to obey him without question. The social worker log on 7th and 8th June suggests that BD was pleased she was back in contact with TS and excited to see him. Ms Howe and Ms Ancliffe place great reliance on the positive notes of contact between the parents and the child.
61. There is no evidence of TS being involved in any criminality in the UK (other than the illegal entry) and any link to LN is highly tenuous and only through the Flat B property.
62. She said there was no evidence that TS was involved in people trafficking in Country W and even less evidence to suggest he was so involved in the UK.
63. Mr Mansfield, for the Guardian, followed very much the same approach as Ms Meyer. In particular he referred to the numerous inconsistencies, both in the parents own accounts, and between their accounts. As he says, TS's response to BD's trafficking story is somewhat surprising if it was simply a false story concocted for immigration purposes. He points to a number of aspects of the parent's case which are not credible, many of which I accept and deal with in this judgment.

Conclusions

64. The burden of proof is on the LA on the balance of probabilities. The issue before me in this judgment is solely relating to the trafficking allegations set out at [1] above.
65. As I have explained above, in my view BD and TS have not just lied to the Home Office, and BD in her original statements to the Court, but they also both consistently lied to the Court in the oral evidence they gave. The combination of this and the lack of any corroborative evidence makes it exceedingly hard to determine where the truth lies, and therefore the role, if any, of trafficking in this case.
66. I apply the well-known principles from *Lucas* as set out above. I accept that asylum seekers, may frequently tell lies because of a desire for safety and in some cases simply to achieve a "better life". However, many of the lies that have been told in this case do not make sense simply in the context of a desire for asylum. That does not explain the

inconsistency of the accounts of the trip to the solicitor; the lack of contact with the brother and the inconsistency over when they did see him; the reason for moving to the Midlands and the extraordinary coincidence of meeting some Country X nationals at the station who pointed the couple towards a property managed by Estate Agents S. These aspects point more to involvement in criminality, and quite possibly trafficking. This case is not explicable on the basis of a couple who having got to the UK unlawfully then wanted to settle into a new lawful life here by getting asylum. In my view, the lies that the Court has been told are not explicable simply on the basis of a false asylum claim.

67. It is accepted that TS was involved in serious criminality both in Country X and in Country W. I think it probable that there is truth in the story about involvement with a drug dealing gang in Country W. There is sufficient specificity, and it ties in with the evidence about him being in a Northern city in Central Europe rather than a city in Country Y. On his own evidence he was involved in recruiting workers for the cannabis house(s). He denied these workers were brought from Country X, but he may well have had connections with trafficking from Country X.
68. However, I am not clear as to whether the story about having fallen out with that gang and fleeing to England to escape them is true or not. Plainly TS was in a position to make arrangements to enter the UK illegally, be kept in a safe house (possibly in London), and to have links with the Midlands, quite possibly connected with the people smugglers who got him and BD into the UK in the first place. It is not believable that the contact with the Midlands and Estate Agent S was coincidental. He also left Country W with a very large amount of cash, even though he said the gang held a large amount of money owed to him.
69. I find on the balance of probabilities that TS remained linked with criminality when he came to the UK and it was through those links that he and BD ended up in the Midlands staying in properties managed by Estate Agent S. Further, there is the very unclear role of BD's brother. It cannot be a coincidence that he is in the Midlands, and BD and TS are in the Midlands. I might have accepted that BD wanted to come to the Midlands because her brother was here, but that is not her evidence. The suspicion must be that there is some link to criminality through the brother, and that is why BD and TS are so inconsistent and coy about when they saw him and any contact details for him.
70. Further evidence of a link to criminality, including trafficking, is through Estate Agent S and LN. Again, I do not accept that the link through Flat B is coincidental. I find that the story about the Country X nationals at the station was a lie, and that TS is deliberately seeking to conceal his network of contacts in the Midlands.
71. I place considerable weight on the lack of preparation for the baby and BD's extremely late presentation at hospital. I do not believe her story about thinking the Home Office would look after them. I might just be able to believe that BD and TS intended to only buy things for the baby after the birth, but that does not explain the late presentation to hospital. I do not accept that it is normal in Country X to first present for medical help when over 40 weeks pregnant. This is particularly unbelievable given that BD and TS had gone for a much earlier scan. Further, TS when in Country Y was very well versed in his rights to free medical treatment as an asylum seeker. The explanation cannot be that they were hiding from the authorities because BD had already claimed asylum. I

am forced to the conclusion that the explanation is related to TS's coercive control over BD.

72. I note the positive contact both between BD and the child, but also TS and BD together and the child. Sadly, that does not affect my conclusion on trafficking. The fact that the parents are fond of the child and wish to care for her, and indeed may be good with her when together, tells me nothing about the circumstances in which they came to the UK and currently live.
73. I am also concerned about the lies told in respect to the alleged trip to the alleged solicitor. Ms Ancliffe herself said that BD might be lying about this because she was afraid of "repercussions". If this was merely an immigration fraud which went wrong, then why is BD (and probably TS) so keen to protect whoever gave the false story. It suggests to me that BD remains in fear, whether from TS or his criminal associates.
74. I do not accept that the control in this case is simply that which might be the norm in a patriarchal society, with an arranged marriage and a young and perhaps vulnerable wife. That might explain her going with him to England without asking any questions, it does not explain why she lied to the Court (or he lied to the Court) about it being a planned journey. It also does not explain the position with the brother, or why she allegedly made up the trafficking story without telling him. If she was simply a subservient but conventional wife, why would she have taken £1000, gone to a solicitor more than 100 miles away, and applied for asylum without telling him. It does not make sense.
75. In deciding whether or not BD is a victim of trafficking, I apply the broad definition in Article 4. I am, however, conscious that this is not a criminal case (nor an application under the NRM) and the focus of this case under the Children Act is ultimately upon the welfare of the child. I find BD is under the control of TS and that that control is (on the balance of probabilities) for some form of exploitation. At the lowest, the exploitation could be that she could keep him with her earnings in the UK.