



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

Appeal Number: AA/00528/2014

**THE IMMIGRATION ACTS**

**Heard at : Field House  
On : 22 January 2015**

**Determination Promulgated  
On : 23 January 2015**

**Before**

**UPPER TRIBUNAL JUDGE KEBEDE**

**Between**

**SECRETARY OF STATE FOR THE HOME DEPARTMENT**

Appellant

**and**

**B S**

**(ANONYMITY ORDER MADE)**

Respondent

**Representation:**

For the Appellant: Mr P Nath, Senior Home Office Presenting Officer

For the Respondent: Mr I Maka, instructed by Kilby Jones Solicitors

**DETERMINATION AND REASONS**

1. This is an appeal by the Secretary of State for the Home Department against the decision of the First-tier Tribunal allowing BS's appeal against the respondent's decision to remove her from the United Kingdom following the refusal of her asylum claim.

2. For the purposes of this decision, I shall refer to the Secretary of State as the respondent and BS as the appellant, reflecting their positions as they were in the appeal before the First-tier Tribunal.

3. The appellant is a citizen of Albania, born in March 1987. She entered the United Kingdom on 24 September 2013 and claimed asylum the same day. She was interviewed about her claim on 19 November 2013. Her application was refused on 8 January 2014. She appellant appealed against that decision. Her appeal was initially heard in the First-tier Tribunal on 25 February 2014 and was dismissed in a determination issued on 5 March 2014, but that decision was set aside for error of law in the Upper Tribunal on 12 June 2014. The appeal was remitted to the First-tier Tribunal for the decision to be re-made.

4. The appeal was heard again by the First-tier Tribunal on 2 October 2014 and allowed. The Secretary of State appealed that decision.

### **The Appellant's Claim**

5. The appellant claimed to be at risk on return to Albania as a result of having been trafficked into prostitution. She was from a village near Elbasan in Albania. She attended school until the age of fourteen and thereafter remained at home until February 2008 when she moved out to marry her husband. Her family did not approve of her marriage and she had not spoken to them since leaving home. She later divorced and knew that her family would not accept her back. In May 2009 she moved to Greece for work purposes and found work as a waitress. In June 2010, in Greece, she met B and began a relationship with him. However B sold her to another man, E who, together with his wife, forced her into prostitution. She managed to escape from E in September 2013 and, with the help of her former employer, she travelled to the United Kingdom. She could not return to Albania because B was well-known and she believed that he had connections to the police. She also feared being stigmatised in Albania and could be traced by B or E. She had had psychological problems since 2008 and had been taking medication for depression.

6. The respondent accepted the appellant's account in full but considered that she would be at no risk on return. Although she stated that B had connections to the authorities in Albania it was noted that she had not been in contact with him for two and a half years and that there was no information to indicate that he continued to maintain an interest in her. The respondent considered that there was a sufficiency of protection available to the appellant in Albania through the Albanian authorities and NGO's and that her removal would therefore not breach the United Kingdom's obligations under the Refugee Convention or the ECHR.

7. First-tier Tribunal Judge Lobo, in his decision issued on 24 November 2014, found that there would not be a sufficiency of protection available to the appellant in Albania and that she was at risk of being re-trafficked if she were returned there. He allowed the appeal on asylum grounds and found, in the alternative, that she was entitled to humanitarian protection.

## **The Secretary of State's appeal**

8. The respondent sought permission to appeal Judge Lobo's decision on the grounds that he had failed to complete a proper rounded assessment of the appellant's circumstances in order to be able to conclude that she was not part of the group of trafficked women who were able to receive protection from the state; and that he had dealt with the Home Office Country Information and Guidance in a wholly inadequate way.

9. Permission was granted on 12 December 2014 by First-tier Tribunal Judge White on the grounds raised.

10. At the hearing before me Mr Nath relied on the grounds of appeal, submitting that the judge had erred in his approach to the question of sufficiency of protection by failing to undertake a proper analysis of the appellant's individual circumstances in the context of the country guidance in AM and BM (Trafficked women) Albania CG [2010] UKUT 80 and the Home Office Operational Guidance Notes (OGN) for Albania dated 12 December 2013 and 19 September 2014. Mr Maka submitted that, on the contrary, the judge had considered all relevant matters and had reached a conclusion reasonably open to him.

## **Consideration and findings.**

11. It seems to me that the Secretary of State's grounds amount to little more than a disagreement with Judge Lobo's decision and an attempt simply to present an alternative view on the question of sufficiency of protection and risk on return. I do not agree with Mr Nath that there was any error of law in the judge's approach to the background information, but find on the contrary that he plainly took all the relevant materials into account, and that he did so in the context of the appellant's own specific individual circumstances.

12. At paragraph 20 of his decision the judge referred to all the documentary evidence and background material he had before him, together with the relevant country guidance in AM and BM, and confirmed that he had considered that evidence. It is plain from the findings that followed and his references to those materials that that was precisely what he did.

13. The grounds assert that the judge made generalised findings on the question of sufficiency of protection for trafficked women in Albania, but that was clearly not the case. At paragraph 25 he set out the appellant's circumstances on the basis of the facts accepted by the respondent, noting that there were no credibility issues arising in the case. He noted that the appellant had, since the respondent's decision, become pregnant and was expecting a child that would be regarded as illegitimate, which accordingly to the country guidance was a matter relevant to the question of access to protection (although properly noting that the child was not yet born). At paragraph 28 he applied the country guidance in the context of the appellant's

particular circumstances and profile. He then went on to consider the position as regards sufficiency of protection subsequent to the date of the country guidance on the basis of the background materials including the OGN, at paragraphs 29 and 30. At paragraph 32 he made it clear that he was applying the facts of the appellant's case to that background information and, having done so, concluded that the appellant was at risk of being re-trafficked. It seems to me, therefore, that there is simply no merit in the assertion that there was a failure to assess sufficiency of protection in the light of the appellant's individual circumstances or that his approach to the question of sufficiency of protection was in any way unlawful.

14. Accordingly I find that the judge did not err in law as the grounds assert. He undertook a detailed and careful assessment of the evidence and took into account all relevant matters, reaching a conclusion that was entirely and reasonably open to him on the basis of that evidence. As regards paragraph 2c of the grant of permission, it seems to me that the judge's decision to allow the appeal on humanitarian grounds was an alternative to the decision allowing the appeal on asylum grounds and that in any event no material error arises from his findings in that respect.

## **DECISION**

15. The making of the decision of the First-tier Tribunal did not involve an error on a point of law. I do not set aside the decision. The Secretary of State's appeal is dismissed and the decision of the First-tier Tribunal to allow the appellant's appeal stands.

### **Anonymity**

The First-tier Tribunal made an anonymity order. That order is continued, pursuant to Rule 14 of the Tribunal Procedure (Upper Tribunal) Rules 2014.

Signed **22 January 2015**  
Upper Tribunal Judge Kebede