



Upper Tribunal  
(Immigration and Asylum Chamber)

Appeal Number: PA/04059/2019 (V)

THE IMMIGRATION ACTS

Heard at a remote hearing via Skype  
On 12 April 2021

Decision & Reasons Promulgated  
On 15 April 2021

Before

UPPER TRIBUNAL JUDGE PLIMMER

Between

MM  
ANONYMITY DIRECTION MADE

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

**Representation:**

For the Appellant: Mr Joseph, Counsel

For the Respondent: Mr McVeety, Senior Home Office Presenting Officer

DECISION AND REASONS (V)

*Unless and until a Tribunal or court directs otherwise, the appellant is granted anonymity. No report of these proceedings shall directly or indirectly identify her. This direction applies both to the appellant and to the respondent. Failure to comply with this direction could lead to contempt of court proceedings.*

## Introduction

1. I now remake the decision arising from the appellant's appeal against the respondent's decision dated 12 April 2019, refusing her asylum and human rights claims.
2. In a decision dated 17 November 2020, I found that the decision of the First-tier Tribunal ('FTT') dated 21 January 2020, in which the appellant's appeal was dismissed on asylum and human rights grounds, should be set aside and remade in the Upper Tribunal ('UT').

## Background

3. The appellant, a citizen of Ethiopia, arrived in the United Kingdom ('UK') on 13 July 2017 and claimed asylum on 9 August 2017. She came as a member of a private household and was granted a visa in that respect, but escaped from that household, claiming that she was a victim of trafficking and servitude ('VoT'). A conclusive grounds decision dated 2 January 2019 recorded that on 3 October 2017 the relevant competent authority decided there were reasonable grounds to believe that she was a VoT. It followed that at the time of the FTT hearing the judge treated the appellant as a VoT and this has been accepted by the SSHD.
4. The appellant relied upon an asylum claim that involved a history of being a VoT but also upon her father's membership of a political organisation in Ethiopia. The FTT accepted that the appellant's father may have been a member of the political organisation (Genbot 7) and that he may have been arrested as a result of this in 2010. At that point the appellant was only 17. Her evidence was that she had not seen him since. I need say no more about this because it has been accepted on the appellant's behalf that there is no current well-founded risk to her for reasons relating to her father's political opinion. The appellant's own country expert, Dr Campbell made it clear that he did not consider her to be at risk on account of her father's political opinion or activities.

## Hearing

5. At the beginning of the hearing before me both representatives accepted the following matters:
  - (i) The appellant has been conclusively assessed to be a VoT and she was trafficked in the manner that she claimed in her statement dated 9 December 2019. The appellant's original traffickers were her mother's aunt and an agent who then took control of her in 2011 by sending her to Dubai and then returned her to Ethiopia in 2013 before re-trafficking her to Kuwait that same year. She was then returned by the trafficker to Ethiopia in 2016 before being re-trafficked to Kuwait that same year. That family brought the appellant to the UK.

- (ii) The appellant has not had any contact with her aunt since 2011 and is not at risk from her or her previous traffickers given the passage of time.
  - (iii) The appellant had not had contact with her father, husband or sister since 2010 and would be returning to Ethiopia on her own with no family or community to turn to for assistance.
  - (iv) The sole issue in dispute is whether the appellant is at risk of being re-trafficked by persons unknown after considering all relevant factors including her age, her single status and lack of family contacts, the shelter services available in Ethiopia, the potential grant that she might be able to access from the UK, her past trafficking and re-trafficking.
  - (v) If at risk of re-trafficking in Ethiopia the appellant faces serious harm for a Convention Reason namely women VoT.
  - (vi) If not at risk of re-trafficking I must still consider whether there are insurmountable obstacles to the appellant's reintegration to Ethiopia pursuant to 276ADE of the Immigration Rules, such that her removal would breach Article 8, ECHR.
  - (vii) The only background evidence relevant to the risk of re-trafficking in Ethiopia are the reports contained in the appellant's bundle. This includes: a report from a country expert, Dr Campbell dated 22 June 2020 (Department of Anthropology and Sociology, School of Oriental and African Studies, University of London); the Ethiopian Human Rights Council, Civil Society Joint Report on Violence Against Women in Ethiopia dated 10 April 2019 ('the EHRC report'), and the US Department of State, Trafficking in Persons Report 2020: Ethiopia, dated 25 June 2020 ('the US report').
  - (viii) In all the circumstances it was not necessary to hear from the appellant, as the credibility of her past claim was accepted, and the hearing proceeded by way of submissions only.
6. Mr McVeety relied upon his brief position statement and submitted that the Appellant would not be at risk of re-trafficking on return to Ethiopia on the basis that she does not fit the profile of those at risk of re-trafficking as identified in Dr Campbell's report. Mr McVeety acknowledged that Dr Campbell was entitled to be treated as a country expert on the matters he addressed but the respondent did not accept his ultimate conclusion in this particular case, albeit Dr Campbell provided a measured report containing helpful background. In particular, Mr McVeety argued that the appellant was trafficked by a family member and not by any organised trafficking gang to whom she still had an outstanding 'debt', and could utilise her experiences and a potential grant of up to £2000 from the respondent to avoid any risk of being exploited in the future. Mr McVeety also drew my attention to evidence that supports the proposition that the financial package potentially available is

significantly in excess of the average yearly GDP for Ethiopia – see the World Bank’s Ethiopia Review. When pressed, Mr McVeety accepted that the appellant would only be entitled to a financial package *if* she agreed to voluntarily return to Ethiopia and the amount available was uncertain.

7. Mr Joseph relied upon a helpful skeleton argument in support of his submission that there is a real risk of the appellant being re-trafficked on her return to Ethiopia. Mr Joseph took me to the country background evidence contained in the appellant’s bundle as well as the respondent’s most recent CPIN on Ethiopia dated September 2020 (‘the CPIN’). He asked me to note that whilst the CPIN dealt with the high level of violence and discrimination against women, it was silent on the issue of trafficking.
8. After hearing submissions from both parties I reserved my decision, which I now give with reasons.

### **Assessment of risk of re-trafficking**

9. The prospective risk of the appellant being re-trafficked turns upon a careful consideration of the country background evidence together with the appellant’s particular characteristics. In making my assessment of the risk of serious harm for the purposes of the Refugee Convention, I apply the lower standard of proof.
10. I first turn my attention to the available country background evidence. This was helpfully summarised in the appellant’s skeleton argument. Mr McVeety did not disagree with the general background within the reports relied upon by Mr Joseph. I accept Ethiopia lacks a comprehensive policy on trafficking in women and children and does not fully meet the minimum standards for the elimination of trafficking, yet domestic and international trafficking, especially of young women and children from rural to urban areas, is a prevalent problem in Ethiopia. The reports before me indicate that the implementation of initiatives including a National Referral Mechanism and a Migration and Human Trafficking Crime Team have been extremely limited. There is a lack of standard procedures for frontline responders to proactively identify trafficking victims among vulnerable migrants. Rehabilitation and shelter service remains unpredictable and scant. Mr McVeety accepted that any referral would have to be a self-referral as Ethiopia continued to have a significant problem in identifying victims of trafficking, as contained in the US and HRCO reports.
11. I now address how the appellant is likely to fare upon return to Ethiopia in the light of her particular characteristics. The appellant is a 27-year-old VoT without any family or other close contacts in Ethiopia. Mr McVeety accepted that the appellant has endured trauma and abuse over the course of many years and this rendered her vulnerable, albeit there is no medical evidence that she suffers from any psychological condition as a consequence. Given the structural and practical constraints in Ethiopia, the appellant will not be identified as a victim of trafficking on her return.

12. Whilst there is evidence that Ethiopia has investigated and convicted more transnational traffickers than in previous years, the overarching framework for the detection of traffickers remains inadequate for all the reasons set out in the US and HRCO reports. Mr McVeety did not challenge this evidence but rather submitted that this appellant would not be at risk of re-trafficking because her position is now different to the past when she has been re-trafficked. He contended that the appellant would have the means, knowledge and motivation to fend for herself and avoid any risk of re-trafficking. By contrast, it was argued on the appellant's behalf that she would be unable to rely upon her own resources and resilience, such that she would rapidly fall into destitution upon return, rendering her prone to re-trafficking. It is important to carefully consider this appellant's particular characteristics in the context of the known country background information on Ethiopia in order to conduct a comprehensive assessment of these competing submissions.
13. I note the evidence tends to indicate that younger women living in rural areas are most at risk of trafficking from relatives and people they know. This is consistent with the appellant's own history of trafficking. Upon return to Addis Ababa, the appellant will be 27 and not squarely within the range most at risk of trafficking. Indeed, she will have no relatives to turn to and is no longer at risk from her previous traffickers given the passage of time. The appellant will therefore not be at any obvious immediate risk from anyone in particular upon return to Ethiopia. To that extent, the appellant's circumstances have changed. However, I am satisfied that the appellant is likely to face destitution and an inability to access appropriate employment and accommodation upon return to Ethiopia. That in itself places her in an enhanced risk category for re-trafficking. The US report states:

"Scarce economic opportunities and dire poverty, coupled with familial encouragement, compel thousands of Ethiopians, including a substantial percentage of unmarried individuals under age 30, to transit, primarily via Djibouti or Somalia, to Yemen and onward to Saudi Arabia and Europe...within the country, traffickers predominantly exploit victims in forced labour in domestic service and sex trafficking in urban centres..."
14. In addition, Dr Campbell has highlighted that vulnerable adults who do not have the support of their families are also at enhanced risk of trafficking, particularly those without savings, support or any income source. Although Mr McVeety referred to the assisted voluntary return scheme as a potential income source, he was unable to take me to any evidence that it would apply to this appellant. She has been consistently clear that she does not wish to return to Ethiopia and would not do so voluntarily, given her history there. On the evidence available to me, I do not accept that the appellant will have access to a financial grant. Even if I am wrong about this, any such grant will be limited and will run out. This is not an appellant with the requisite skills to invest any limited grant in a sustainable small business venture. The appellant's only employment experience has involved domestic servitude and exploitation. As

Dr Campbell noted, she is uneducated with no relevant skills or experience to earn a reasonable income to support herself. She has no family or contacts to access genuine employment in a country where such employment for a person with the appellant's background is very difficult to obtain – see the CPIN at [4.1.5-9] and [19.3.1-3]. Mr McVeety submitted that the appellant will be returned as a relatively mature and experienced woman which will equip her with greater resilience to avoid the deception that often accompanies the methodology used by traffickers. On the other hand, Mr McVeety accepted that the appellant was vulnerable by reason of her extended history of trafficking and labour exploitation. It is noteworthy that the appellant was re-trafficked on two occasions and worked in conditions of modern slavery for an extended period of time, from 2011 until she escaped in 2017. That history is set out in detail in her witness statement. It does not paint a picture of a robust individual but one who has been abused, undermined and deceived repeatedly. These experiences have clearly left the appellant more vulnerable than resilient. I do not accept that she is in a position to be able to self-refer for NGO assistance and shelter in the context of Ethiopia, where such facilities for women with her background are scant – see the COIS report from [19.7], which focuses upon those fleeing violence (as opposed to VoT) and notes at [19.7.4] that shelters remain scarce with women often being turned away.

15. I am therefore satisfied that the appellant will have huge difficulties in securing an income and will almost certainly be forced to live rough on the streets where the predominant form of income is casual sex and where one of the few potential routes out is through trafficking. This is consistent with Dr Campbell's conclusions at [7] to [14], which I accept. Although Dr Campbell referred to the plight of children at [16] and [17] of his report, when the report is read as a whole, it is clear that he has been able to evidence why this appellant, aged 27, would be at increased risk of re-trafficking in Ethiopia.
16. I am satisfied that this particular appellant remains at enhanced risk of re-trafficking as a result of a combination of factors: she is under 30; she has no family or anyone else to rely upon; she has already been a victim of re-trafficking; she does not have the skills, experience, contacts to obtain appropriate employment such that she is likely to feel compelled to turn to sexual or labour exploitation for basic survival. Mr McVeety did not dispute that the appellant would not be able to seek sufficient protection from the authorities if I made such a finding, and it is therefore unnecessary to explore this issue further.
17. The parties agreed that a finding that the appellant faces a real risk of re-trafficking in the context of Ethiopia means that she faces serious harm for a Convention reason. As such, it is unnecessary for me to determine whether the appellant faces very significant obstacles to re-integration in Ethiopia.

**Decision**

18. I remake the decision by allowing the appeal on asylum and human rights grounds.

Signed: *Melanie Plimmer*  
Upper Tribunal Judge Plimmer

Dated: 13 April 2021