



IAC-AH-SAR-V1

**Upper Tribunal
(Immigration and Asylum Chamber) Appeal Number: PA/03495/2020**

THE IMMIGRATION ACTS

**Heard at Bradford By MS Teams
On the 15th August 2022**

**Decision & Reasons Promulgated
On the 25th August 2022**

Before

UPPER TRIBUNAL JUDGE LANE

Between

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Appellant

and

**MS
(ANONYMITY DIRECTION MADE)**

Respondent

Representation:

For the Appellant: Mr Diwnycz, Senior Home Office Presenting Officer

For the Respondent: Mr Hussain.

DECISION AND REASONS

1. I shall refer to the appellant as the 'respondent' and the respondent as the 'appellant', as they appeared respectively before the First-tier Tribunal. The appellant was born in 1988 and is a female citizen of Albania. She appealed to the First-tier Tribunal against a decision of the Secretary of State dated 29 May 2020 refusing her application for international protection. The First-tier Tribunal, in a decision promulgated on 8 March 2021, dismissed her appeal. She now appeals, with permission, to the Upper Tribunal.
2. At the outset of the hearing, I was shown a copy of a letter from the Single Competent Authority (SCA) dated 14 July 2021 which states that the appellant had been recognised as a victim of trafficking for sexual exploitation.

3. There are two grounds. The first challenges the adequacy of the reasoning of the judge's finding that the appellant is a victim of trafficking. The second ground asserts that, even if the appellant is a victim of trafficking, she could, by reference to the country guidance of *TD and AD (Trafficked women)* CG [2016] UKUT 92 (IAC), return safely to live in her home area of Albania.
4. I consider that, whatever the merits of the challenge to the adequacy of the judge reasoning on the matter of trafficking, the fact that the SCA has decided on 14 July 2021 that the appellant is a victim of trafficking robs that ground of any force. Even if I were to find that the judge did err in law for the reasons advanced in Ground 1, the finding of the Competent Authority would lead to me to exercise my discretion not to set aside the First-tier Tribunal's decision; there would, in short, be no point in another Tribunal considering again the matter of trafficking.
5. As to Ground 2, the Secretary of State says little more than that the judge failed to apply the country guidance of *TD*. She cites (e) of the headnote:

There is now in place a reception and reintegration programme for victims of trafficking. Returning victims of trafficking are able to stay in a shelter on arrival, and in 'heavy cases' may be able to stay there for up to 2 years. During this initial period after return victims of trafficking are supported and protected. Unless the individual has particular vulnerabilities such as physical or mental health issues, this option cannot generally be said to be unreasonable; **whether it is must be determined on a case by case basis. [my emphasis]**
6. At [40] *et seq*, the judge addresses first the relevant findings of *TD* and then correctly seeks to apply them to the facts as he has found them (including, legitimately given the subsequent finding of the SCA, the fact that the appellant had been trafficked.) He correctly considers the appellant's particular circumstances and the several expert reports before the Tribunal. At [43], he explains that the 'involvement of the appellant's husband in events and her escape from the ... traffickers' are particularly relevant. In my opinion, the judge has done exactly what the Upper Tribunal in *TD* indicated that he should do, that is to determine risk 'on a case by case basis.' He has given sufficient reasons for finding, notwithstanding the general guidance of *TD*, that this particular appellant will be at risk.
7. In the circumstances, the Secretary of State's appeal is dismissed.

Notice of Decision

The Secretary of State's appeal is dismissed.

Signed
2022

Date 15 August

Upper Tribunal Judge Lane

Direction Regarding Anonymity - Rule 14 of the Tribunal Procedure (Upper Tribunal) Rules 2008

Unless and until a Tribunal or court directs otherwise, the appellants are granted anonymity. No report of these proceedings shall directly or indirectly identify them or any member of their family. This direction applies both to the appellants and to the respondent. Failure to comply with this direction could lead to contempt of court proceedings.