



Upper Tribunal  
(Immigration and Asylum Chamber)

Appeal Number: PA/12332/2019

**THE IMMIGRATION ACTS**

Heard at Field House (via Skype)  
On 22 January 2021

Decision & Reasons Promulgated  
On 17 March 2021

Before

UPPER TRIBUNAL JUDGE BLUNDELL

Between

JB (ALBANIA)  
(ANONYMITY DIRECTION MADE)

Appellant

and

SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

**Representation:**

For the Appellant: Ms Patyna of counsel, instructed by Kilby Jones Solicitors  
For the Respondent: Mr Jarvis, Senior Presenting Officer

**DECISION AND REASONS**

1. In a decision which was sent to the parties on 11 August 2021, I set aside the decision of the First-tier Tribunal in this appeal. I need not summarise the basis upon which I decided that the FtT had erred materially in law since that decision is appended to this one. I retained the appeal in the Upper Tribunal for the decision on the appeal to be remade on the basis of the findings of fact made by the FtT.
2. The appellant's account of the reasons that she claimed asylum in the United Kingdom was accepted in its entirety and 'without hesitation' by the FtT. I take the following summary of that account largely from the first appendix to Ms

Patyna's excellent skeleton argument and from the respondent's decision of 3 December 2019.

### **Background**

3. The appellant was born on 4 May 1995 and is therefore 26 years old. She comes from a rural, conservative background in Western Albania. Her home village is Terbuf, near Lushnje. Her father is a shopkeeper, her mother a housewife. She lived away from home whilst she studied a degree in law in Tirana between 2012 and 2015. In the last year of her studies, she met a man who gave his name as Albert at a coffee shop in Tirana. A relationship developed. In the summer of 2015, the appellant learned that her family planned for her to marry another man. The marriage was due to take place at the New Year.
4. The appellant left Tirana to live with her parents again in July 2015. She would return regularly to Tirana for exams, however, and would meet Albert when she was there. Albert also came to Terbuf to meet her, although they would meet at her grandparents' house without their knowledge.
5. In December 2015, the appellant and Albert decided to run away. Her family had found out about the relationship and her father had threatened her on the telephone, stating that she had brought dishonour to the family and that he would kill her. The appellant and Albert went to Turin where they stayed initially with Albert's friends. The appellant and Albert subsequently moved out and rented a flat together. One day, one of Albert's friends (Ilir) told the appellant that Albert had been arrested for selling drugs and that money was required for a defence lawyer. The appellant was told by Ilir's girlfriend Elena that she needed to raise 20,000 euros for Albert and that she should do this by working as a prostitute. The appellant had no means to pay the rent on the flat and she had no option but to move back to Ilir's house. She was locked in a room and starved until she agreed to work as a prostitute. She was also raped by Ilir at this time.
6. The appellant worked as a prostitute in Turin. She was kept at a different location, under guard, for around a month. She saw between four and ten clients a night. She tried to escape on one occasion but she was apprehended and beaten. After a month, the appellant was told that Albert had been released from custody and that he had managed to get to the UK. She spoke to Albert, who promised her that her ordeal was over and that he had travelled onwards to the UK. She thought she was to be reunited with him. The appellant was then taken to Spain using false identity documents arranged by her traffickers. She attempted to travel from Spain to Italy using these documents but their falsity was detected twice and she was arrested. Ilir was waiting for her when she was released on each occasion. After 15 days in Spain, she travelled back to Italy with Ilir, where they stayed for a couple of days before travelling by boat to Albania, where she had been told she would meet Albert. On arrival at a house on the outskirts of Tirana, however, she discovered that she was to work as a prostitute again. She was there for a month, working in a similar situation to that which she had encountered in Turin. Her door was locked. Meals and clients were provided to her by the guards, who also took payment for the services she provided. She was sometimes tipped by the customers and she would try to hide

the money in the room so that it would not be discovered. There were other girls working in the same house. The appellant was told at this time by Ilir that she had been duped by Albert, who had returned to Albania after their stay in Turin and had been complicit in her trafficking. Ilir told the appellant that they were planning to sell her to somebody from England.

7. The appellant escaped from the house on the outskirts of Tirana by drinking shampoo and falling unwell. Her captors took her to hospital, whereupon she sought the assistance of a nurse. The nurse distracted the guard who had taken the appellant to hospital and she made her escape, using what money she had managed to save from her tips to pay for transport. The only place she could think of going was to the family home. Her father was working in the shop and her brother was also out when she arrived. She explained her circumstances to her mother, who said that she could not help because the appellant's father was so angry with her. She contacted a childhood friend who was able to arrange an agent to bring her to the UK. She paid the agent with the remaining money she had saved from the tips. She arrived in the UK on 9 April 2016 and claimed asylum shortly thereafter.
8. The appellant believes that her traffickers are very powerful and on good terms with policeman. She believes that she would be at risk from her traffickers on return to Tirana and she is also frightened of her father.
9. The appellant gave this account to the respondent in a screening interview on 4 May 2016 and a substantive interview on 21 June 2016. Her solicitors made further representations on 24 June 2016. The appellant was referred to the Competent Authority via the National Referral Mechanism. On 13 December 2018, the Competent Authority decided on conclusive grounds that the appellant was a victim of trafficking. The respondent declined to grant any leave as a result of that conclusion and, on 9 April 2019, she refused the appellant's claim for asylum and certified that it was clearly unfounded under section 94 of the Nationality, Immigration and Asylum Act. An application for judicial review was issued on the appellant's behalf, as a result of which the respondent agreed to reconsider her decision. The reconsidered decision, which was issued on 3 December 2019, is the subject of this appeal.
10. The respondent accepted that the appellant had been held with the intention of forcing her into prostitution: [30]. She also accepted that she was at risk from her family: [36]. For detailed reasons she gave at [40]-[57], she considered that the appellant could avail herself of a sufficiency of protection on return to Albania. And for reasons she gave at [58]-[69], she concluded that the appellant could safely and reasonably relocate within Albania so as to avoid any risk in her home area.
11. In the First-tier Tribunal, Judge Pears proceeded on the basis that the appellant's account was entirely true but dismissed the appeal in reliance on the sufficiency of domestic protection and the availability of internal relocation. I found these conclusions to be vitiated by legal error for the reasons given in my first decision.
12. Since the proceedings in the FtT, the appellant has given birth to a child. She is no longer in a relationship with the father. Mr Jarvis was content to accept that

the birth of the appellant's child was not a new matter for the purposes of s85 of the Nationality, Immigration and Asylum Act 2002 insofar as this was relevant to the claim for international protection. He made clear that this concession did not extend to any human rights claim which Ms Patyna chose to advance in the alternative.

13. I heard no oral evidence from the appellant or any witnesses. She was (remotely) present throughout the hearing, however, and her English was good enough for me to explain to her at the end of the hearing that my decision was reserved.
14. Having confirmed with the advocates that I should have two bundles from the applicant, they agreed that I should hear from Mr Jarvis for the respondent first.

### **Submissions**

15. Mr Jarvis adopted the lengthy refusal letter and indicated that the facts were not in dispute. There was, as he put it, a 'concrete factual matrix' established by what had gone before. The respondent was sympathetic to the appellant's experiences but the ultimate question was whether she was a person deserving of international protection at the date of hearing. He accepted that it was clear from the respondent's Country Policy and Information Note entitled *Albania: Trafficking of women for sexual exploitation*, version 9, published in June 2020, that the point had not come where the respondent could submit that TD & AD (trafficked women) CG [2016] UKUT 92 (IAC) should no longer be followed but it was nevertheless clear that the situation for victims of trafficking ("VOT") was consistently improving in Albania.
16. Mr Jarvis submitted that the first question was whether the appellant could remain safe from her trafficker. He acknowledged the appellant's opinion that her traffickers were well connected but he submitted that this was unduly speculative. There was no real evidence to show that the appellant's return would get back to the traffickers so that they would take action against the appellant, whether by way of retribution or re-trafficking.
17. The second question, Mr Jarvis submitted, was what would happen upon the appellant's return to a place of safety in Albania. She and her child would be accommodated in a shelter at first, and there was an entire section in the CPIN dealing with the adequacy of these shelters.
18. Mr Jarvis invited me to consider the CPIN as a whole, since it underpinned the respondent's stance, but he offered some references by way of highlights. There were a number of shelters, who offered a confidential service. There had been significant reforms in the judiciary. There was a formal network of shelters under the 'NCATS' framework. Mental health care was provided and it was clear that there was a significant package of support, including monitoring after the individual had left the shelter.
19. Mr Jarvis acknowledged the importance of the 'post-shelter' period, noting with reference to the CPIN that individuals received assistance in this period which was 'graded' to their particular needs. Responding to my question, Mr Jarvis submitted that the reality in a case such as the appellant's was that she would

seek to settle in Tirana after living in a shelter and that an individual, nuanced support plan would be provided to ensure that she could live a relatively normal life by local standards. The appellant might also be entitled to some resettlement support from the UK authorities upon return, which would provide further assistance.

20. For the appellant, Ms Patyna relied on her skeleton argument and she too made reference to the CPIN. She noted that the shelters were limited in number and that there were still funding issues. The respondent continued to accept that the country guidance in TD & AD applied. Even without an illegitimate child, the appellant fell within the category of those who would be at risk on return. Her difficulties would be compounded – and significantly so – by the presence of an illegitimate child. The circumstances were comparable, Ms Patyna submitted, to those of one of the appellants in TD & AD whose appeal was allowed on the basis of her vulnerability in the ‘post-shelter’ period. It was necessary to bear paragraph 339K of the Immigration Rules in mind. The appellant’s past ill-treatment was certainly probative of what would befall her on return, but she was, if anything, all the more vulnerable now because she had been ‘broken in’ by her traffickers. The appellant had never worked in Albania. She had received no training in the UK. She was plainly at risk of being re-trafficked. The respondent maintained in the CPIN that re-trafficking was decreasing but the research in the Fact-Finding Mission report was not accurately summarised in the CPIN. Re-trafficking remained a reality, as it had been in TD & AD. The critical difficulties were the appellant’s lack of safety in Tirana and her inability to survive in the post-shelter period, particularly as it was acknowledged in the CPIN that the benefits were insufficient to live on.
21. Mr Jarvis asked to respond on one point in Ms Patyna’s submissions. I permitted him to do so. He took me back to the FFM and the CPIN and maintained that the latter was an accurate reflection of the former. In her further response, Ms Patyna maintained her submissions that there was an inaccuracy.

22. I reserved my decision.

### Analysis

23. In TD & AD (Trafficked Women) Albania CG [2016] UKUT 92 (IAC), the Upper Tribunal preserved much of the guidance which had been given six years previously in AM & BM (Trafficked Women) Albania CG [2010] UKUT 80 (IAC). The amended guidance it issued was summarised by the Upper Tribunal as follows:
- a) *It is not possible to set out a typical profile of trafficked women from Albania: trafficked women come from all areas of the country and from varied social backgrounds.*
  - b) *Much of Albanian society is governed by a strict code of honour which not only means that trafficked women would have very considerable difficulty in reintegrating into their home areas on return but also will affect their ability to relocate internally. Those who have children outside marriage are particularly vulnerable. In extreme*

*cases the close relatives of the trafficked woman may refuse to have the trafficked woman's child return with her and could force her to abandon the child.*

- c) Some women are lured to leave Albania with false promises of relationships or work. Others may seek out traffickers in order to facilitate their departure from Albania and their establishment in prostitution abroad. Although such women cannot be said to have left Albania against their will, where they have fallen under the control of traffickers for the purpose of exploitation there is likely to be considerable violence within the relationships and a lack of freedom: such women are victims of trafficking.*
- d) In the past few years the Albanian government has made significant efforts to improve its response to trafficking. This includes widening the scope of legislation, publishing the Standard Operating Procedures, implementing an effective National Referral Mechanism, appointing a new Anti-trafficking Co-ordinator, and providing training to law enforcement officials. There is in general a Horoath-standard sufficiency of protection, but it will not be effective in every case. When considering whether or not there is a sufficiency of protection for a victim of trafficking her particular circumstances must be considered.*
- e) 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.*
- f) Once asked to leave the shelter a victim of trafficking can live on her own. In doing so she will face significant challenges including, but not limited to, stigma, isolation, financial hardship and uncertainty, a sense of physical insecurity and the subjective fear of being found either by their families or former traffickers. Some women will have the capacity to negotiate these challenges without undue hardship. There will however be victims of trafficking with characteristics, such as mental illness or psychological scarring, for whom living alone in these circumstances would not be reasonable. Whether a particular appellant falls into that category will call for a careful assessment of all the circumstances.*
- g) Re-trafficking is a reality. Whether that risk exists for an individual claimant will turn in part on the factors that led to the initial trafficking, and on her personal circumstances, including her background, age, and her willingness and ability to seek help from the authorities. For a proportion of victims of trafficking, their situations may mean that they are especially vulnerable to re-trafficking, or being forced into other exploitative situations.*
- h) Trafficked women from Albania may well be members of a particular social group on that account alone. Whether they are at risk of persecution on account of such membership and whether they will be able to access sufficiency of protection from the authorities will depend upon their individual circumstances including but not limited to the following:
  - 1) The social status and economic standing of her family*
  - 2) The level of education of the victim of trafficking or her family**

- 3) *The victim of trafficking's state of health, particularly her mental health*
- 4) *The presence of an illegitimate child*
- 5) *The area of origin*
- 6) *Age*
- 7) *What support network will be available.*

24. It is accepted at 2.3.7 of the June 2020 CPIN that there are not very strong grounds supported by cogent evidence to justify not taking into account and following the decision in TD & AD. That was also the stance adopted by Mr Jarvis before me, although I was invited by both advocates to consider the CPIN in order to evaluate the risk to the appellant on return to Albania through the lens of the most up-to-date background material. Whilst there is additional background material before me, it was the CPIN upon which the advocates focused exclusively, and I have considered the report carefully, and its entirety, given its central importance in this case.
25. As the oral submissions progressed, it became clear that there is a great deal of common ground between the parties. It is obviously accepted on all sides that the appellant's account has been accepted in its entirety. That is the case regarding the account she presented to the FtT but also as regards the account she has given more recently regarding the illegitimate birth of her child and her status as a single parent. Mr Jarvis did not seek to challenge what she said about these matters in her most recent statement.
26. There is also a measure of agreement between the parties about the appellant's circumstances upon return to Albania. Ms Patyna did not attempt to suggest that there was any chance of the appellant falling through the initial safety net provided by the Albanian government for VOTs. She was correct not to make any such submission. It is appreciably clear from section 8.2 of the CPIN that the National Referral Mechanism in Albania is a good one, and that a thorough analysis will be undertaken of a returnee to decide whether she is a VOT. In circumstances in which it has been accepted by the Competent Authority in the UK that the appellant is a VOT, it seems inconceivable that the authorities in Albania would reach a different conclusion.
27. Nor did Ms Patyna attempt to suggest that the appellant would receive inadequate protection (in the fullest sense of that word) in the short and medium term after she had been identified as a VOT. The CPIN shows that the Albanian authorities identify three 'phases of assistance' for a VOT: emergency services; rehabilitation services; and long-term monitoring during social inclusion: 2.4.10 and 9.6. During the first two phases, a VOT is able to stay in a shelter run either by the government or by an NGO. These shelters 'offer people a protective place where they can be provided with support but they do not offer paradise or replace what they have lost': 9.4.4.
28. The progress in shelter provision which was charted by the Upper Tribunal in TD & AD has seemingly continued. There is a National Coalition of Anti-Trafficking Shelters ("NCATS") within which professional staff are independently observed to provide a good quality of care: 9.4.1. Given the lack of disagreement between the parties about this 'phase of assistance' I do not propose to set out *in extenso* the services provided by the shelters. It is clear that

they provide good healthcare, physical and mental, and that there is assistance with legal problems. There is also education, particularly of a vocational nature, which is provided in an effort to ensure that trafficked women are eventually able to make their own way.

29. Importantly in a case such as this, the shelters also provide an appropriate level of protection against any extant risk which there might be to the individual VOT. The National Reception Centre for Victims of Trafficking has a constant police presence and is used to accommodate those who are in a particularly dangerous situation: 9.7.1 and 9.12.3. I note from 6.3.5 that the Vatra Centre in Vlora is said to be guarded around the clock. Those considered to be at lesser risk may be placed in one of the NGO shelters but even those shelters have a private security presence: 9.12.4. There can be no doubt, in light of this material, that the appellant and her child will be provided with adequate protection in the short to medium term on return to Albania and that they will be able to live a relatively normal life by local standards in a shelter.
30. The focus of the advocates submissions – as is so often the case in appeals such as this – was on the appellant’s predicament after she is asked to leave the shelter. There was no suggestion on Mr Jarvis’s part that the protection of the shelter would be ‘open-ended’ and it was accepted, as it was in TD & AD that there will come a point when the appellant and her child are expected to make their own way. It seems likely – in light of 2.4.3 and 9.7.2 of the CPIN – that the appellant will be able to stay in a shelter for a maximum of two years, although there is supposedly no time limit. It was not suggested by the Secretary of State that the appellant will be placed into witness protection at that point. In light of the acknowledgement at 6.3.8 of the report that the system is not used effectively, it is not surprising that there was no such submission.
31. Mr Jarvis accepted that the appellant would need to settle in Tirana when she left the shelter. That was a proper stance, given what is said at section 10.8 of the report about the difficulties encountered by women living alone outside the capital. Mr Jarvis emphasised that the appellant will have received a good deal of rehabilitative treatment and support by the time she attempts to make her own way in Tirana. He also asked me to attach considerable significance to the individual reintegration plan which would be drawn up for the appellant; the monitoring which would be put in place; and the package of other support on which she could rely during this period, as described in section 10 of the CPIN. The gravamen of the submission is that the appellant would not be required entirely to fend for herself and could count on the Albanian state to provide for her and her child insofar as that support was required.
32. There is, however, an anterior question which must necessarily be confronted. Ms Patyna’s first submission, as summarised at 6(i) of her concise skeleton, is that the appellant would continue to be at risk from her traffickers at the point that she emerges from the protection of the shelters. She invokes paragraph 339K of the Immigration Rules, by which the fact that the appellant was subjected to persecution in the past is probative of the risk to her in the future. Mr Jarvis submitted that there was no such risk and that it was merely speculative to assert otherwise.



33. I do not agree with the respondent's submissions in this regard. I have set out the appellant's account in some detail because parts of that account shed significant light on the power and reach of the appellant's traffickers. This was evidently not a case of a 'one man band' trafficker who himself lured the appellant to Italy with false promises. Whilst the early parts of the narrative might give that impression, the later parts show clearly that Albert and Ilir were part of something much larger and more sinister. I note in particular their connections in Italy, Spain and Algeria and their ability to move the appellant from one country to another with ease. The appellant's account – accepted in full as it has been – also reveals that they had a number of properties at their disposal, in at least two of which there were multiple women who were working in the sex trade, guarded around the clock by men who were responsible for feeding them and enforcing discipline when they broke the rules, as the appellant did when she attempted to escape. The appellant was also provided with false documentation as and when required. The organisation is reasonably likely to be of the kind described at 3.3 of the CPIN, with links to organised crime. I note that it is said at 3.3.1 of the report that such gangs are known to 'sell victims as commodities' and that this is exactly what the appellant was told was to be her fate.
34. Drawing on what has happened before, as paragraph 339K requires, I consider there to be three reasons why Albert's gang would harbour an extant animus towards the appellant. Firstly, she managed to escape and to highlight a weakness in their defences which could be exploited by other women under their control and it is reasonably likely that they would wish to make an example of her for her actions. Secondly, the appellant's departure deprived them of a source of income, whether from her ongoing work for them in the sex trade or from her 'sale' to another party who is involved in this appalling trade. It is reasonably likely that they would wish to recoup the money lost in one or both respects. Thirdly, the appellant knew Albert for some time and is likely to be able to provide the police in Albania with useful information about him and his activities. Albert, Ilir and the other members of the gang would therefore have a very real interest in ensuring that such information was not shared with the police.
35. Mr Jarvis submits that the any such risk would be negligible or speculative in the post-shelter period but it is necessary to recall further matters, both from the appellant's account and from the country guidance. Firstly, it is accepted on all sides that the appellant would have to attempt to make her way *in Tirana* after leaving the shelter. Secondly, it was on the outskirts of Tirana that the appellant was held by Albert's gang on return from Italy and Spain. Indeed, it was in Tirana that the appellant first met Albert. He and his gang clearly have connections in the capital.
36. The population of Tirana is just under half a million people: 12.2.3 of the CPIN refers. In a UK context, it might be correct to suggest that one could live fairly anonymously in a city of that size and that the prospects of being traced by a criminal gang with connections in that very city would be negligible. The context in Albania is entirely different, however, as is clear from AM & BM. The Upper Tribunal emphasised at [165] of that decision that Albania is a small country in which "there would be an attempt by those with whom the victims came into

contact, either officially, starting with the border police or when they attempted to find work or merely acquaintances whom they would meet, to place them within their family context and to endeavour to find mutual acquaintances.”

37. Given the nature of Albanian culture as described in that paragraph of AM & BM, and given the reach and power of Albert’s gang, I think it likely (and not merely reasonably likely) that they would learn of her attempt to forge her own way in Tirana after leaving the shelter and that they would seek to do her harm, whether by way of retribution or re-trafficking. Asked by me to respond explicitly to this suggestion in Ms Patyna’s skeleton, Mr Jarvis’s submission was simply that the risk was too speculative. He did not attempt to submit that the background evidence or the country guidance established that there would be a sufficiency of protection for this particular appellant in the event that I found that particular risk to exist. Despite what was said in TD & AD about the general sufficiency of protection which is available to victims of trafficking in Albania, I find this to be a clear case in which it is unlikely that the additional protection she will require upon leaving the shelter would be forthcoming. Applying the approach in Bagdanavicius [2003] EWCA Civ 1605; [2004] 1 WLR 1207, therefore I consider that the appellant will be at risk after leaving the shelter and that her appeal falls to be allowed on the basis that she will not be safe in Tirana at that point in time.
38. That primary conclusion renders it unnecessary to consider whether the appellant will be able to live a relatively normal life by local standards on relocation to Tirana, that being the question posed by AH (Sudan) [2007] UKHL 49; [2008] 1 AC 678. In considering whether the appellant’s life after leaving the shelter would meet that standard, I bear in mind the cogent submissions made by Mr Jarvis about the tailored support which would be offered to the appellant and the likelihood that she would, by that stage, have received significant assistance in the shelter.
39. Against that, however, I must weigh the following. Firstly, despite the provision of various forms of financial assistance to VOTs in the post-shelter phase, paragraph 10.3.6 of the CPIN shows that the financial support is insufficient to meet their needs. It is reported in that paragraph, in fact, that VOTs receive approximately £20 per month ‘following lengthy bureaucratic processes’. Even taking into account the other support which might be available, as described elsewhere in section 10 of the report in particular, the reality is that this is wholly inadequate to meet the basic needs of the appellant and her child. That statement is hardly surprising when it is noted at 12.3.1 that the average gross income per capita in Albania is just under £10,000 per annum. I note from 10.3.5, in any event, that the stigma attaching to VOTs is such that they are often reluctant to collect these benefits lest they are identified as such. The real question, therefore, is whether this particular appellant would be able to navigate for herself the challenge of surviving in Tirana, given her own background and the rehabilitative work which she would have completed during her time in the shelter.
40. In answering that question, I turn to the seven factors which are helpfully set out at the end of the judicial headnote in TD & AD. The appellant’s social and economic standing is modest, originating as she does from a rural and

conservative family in Western Albania. As already noted, her father is a shopkeeper and her mother a housewife. Her family is essentially irrelevant in considering whether she will be able to manage in Tirana, however, given that they have been accepted to have severed all links with her and issued threats against her.

41. The appellant's level of education is good, although it is also relevant to note (as did Ms Patyna) that she has no history of lawful employment, and certainly no background of employment in the field of her degree, which is in law. In view of her lack of any experience, let alone relevant experience, it is unlikely that she would be able to obtain work in that field. Given the support and training which is given in the shelter, she might be able to obtain some work in a different field. I note the many references to vocational training in sections 9 and 10 of the report. The rate of unemployment in the country remains high however (12.9.1 refers) and, despite the obvious effort and investment on the part of the Albanian authorities, what is absent from the report is any quantitative indication of the number of VOTs who have been able, to live independently after a period in the shelter. Instead, at 10.1.2, I see an acceptance from civil society representatives that monitoring of VOTs who have left the shelter is inadequate and, at 10.4.1, further information was provided to the Home Office Fact Finding Mission that it was difficult to ensure that women could become independent 'especially when there are children involved'.
42. The presence of an illegitimate child and the appellant suffering from mental health problems will further compound her difficulties upon return. That is as clear from the CPIN as it is from TD & AD. The optimistic tone struck by the Director of the NRCVHT (that prejudice is now 'a very manageable issue') does not chime with the remainder of section 10.7 or with the statement which I have already mentioned at 10.3.5, about VOTs being unwilling to collect benefits for fear of being stigmatised as such. On balance, I consider the situation to be as it was when TD & AD was decided and proceed on the basis that Albania remains a deeply patriarchal society in which the appellant is likely to be stigmatised as a VOT and further stigmatised due to the presence of an illegitimate child. That stigma is likely to be less in Tirana than elsewhere but will still present a formidable obstacle to her relocation to Tirana in the critical post-shelter period. The appellant's mental health problems are very much a secondary concern. To express myself in that way is not to downplay for a moment the ordeal which she has suffered. It is simply to recognise, as Ms Patyna does in her skeleton, that the evidence currently goes no further than establishing that the appellant suffers from mental health problems, including anxiety, which have been considered serious enough for her to be prescribed medication and to be referred to an appointment with a psychological therapist.
43. Considering the final factors in TD & AD, the appellant will not be assisted by her rural origins. Although she has experience of living in the student village in Tirana whilst she undertook her degree, she has no experience of supporting herself there. In any event, the circumstances in which she lived as a student and those in which she would return to Tirana are incomparable. That is as a result of living with the stigma of being a VOT, having an illegitimate child, and trying to support herself by finding paid work amidst the stigma she would experience. The appellant's age (26) is not such as to place her in the most at risk group

(between 18-25) for re-trafficking but I doubt whether the upper age limit represents a bright line after which traffickers lose interest and, as Ms Patyna observed, those who have been 'broken in' are often thought by traffickers to represent a more attractive target. Then there is the question of the support network which would be available to the appellant. I have considered the support which would be available from the state and from NGOs at some length. Due to the problems which the appellant has with her own family, she would receive no support from them. And I have no evidence to support Mr Jarvis's submission that the appellant might receive some support from the UK by way of a resettlement grant, whether under the AAVR scheme or otherwise.

44. Ms Patyna submitted that the appellant's appeal was similar to that of the second appellant in TD & AD and that it should be allowed for reasons similar to those given at [171]-[172] of that decision. The circumstances are not precisely similar, and I note in particular that the mental health problems of that appellant were significantly more acute than the instant appellant's. Having considered the background evidence, the factors in TD & AD and the appellant's particular circumstances in detail, however, I do come to the conclusion that this appellant would be unable to cope after leaving a shelter. Despite the support which would be provided within the shelter and upon leaving it, the challenges which would be faced by this young woman with an illegitimate child are too significant. In my judgment, she would not be able to live a relatively normal life by Albanian standards and her appeal must be allowed on the alternative basis that internal relocation would be unduly harsh.

### **Notice of Decision**

The appellant's appeal is allowed on international protection grounds.

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

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 or any member of her family. This direction applies both to the appellant and to the respondent. Failure to comply with this direction could lead to contempt of court proceedings.

*M.J.Blundell*

Judge of the Upper Tribunal  
Immigration and Asylum Chamber

07 April 2021