

## Albanian trafficked boys and young men: a review of the December 2022 CPIN

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1. The Home Office released a new Country Policy and Information Note (CPIN) on human trafficking in Albania in December 2022.<sup>1</sup> Concerningly, this CPIN, unlike its predecessor, now asserts that asylum claims by trafficked men and boys are likely to be certifiable as “clearly unfounded” under section 94 of the Nationality, Immigration and Asylum Act 2002. This claim is wrong, and is unsupported by the remainder of the CPIN.
2. My previous June 2019 paper explored the risks of trafficking and re-trafficking on return for men and boys in Albania, in light of the Asylos and Asylum Research Centre (Asylos/ARC) research published in June 2019.<sup>2</sup> The conclusions of that paper remain valid. However, the December 2022 CPIN cites a significant amount of new evidence, including a December 2022 Home Office Fact Finding Mission (FFM) report.<sup>3</sup> This paper critically examines the claims of the new December 2022 CPIN in light of its sources.

### **The test for certification**

3. In evaluating the CPIN’s claim that asylum claims by trafficked boys and men can be certified, it is important to keep in mind the test for certification. Certification under section 94 is a draconian measure which deprives the claimant of an in-country right of appeal, leaving judicial review as their only remedy. A claim being “clearly unfounded” means “so clearly without substance that it was bound to fail”, *Thangarasa and Yogathas* [2002] UKHL 36. If any reasonable doubt exists as to whether the claim may succeed then it is not clearly unfounded, *ZT (Kosovo)* [2009] UKHL 6. In view of this, where a protection claim is certified as clearly unfounded, the certification normally is not based upon issues of credibility, unless the claim is so incredible that no one could believe it: see *ZL and VL* [2003] EWCA Civ 25. Rather, the decision to certify the claim is normally taken on the basis that, taking the claimant’s

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<sup>1</sup> Home Office, “Country policy and information note: Albania: Human trafficking,” version 12.0, December 2022

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1123460/ALB\\_CPIN\\_Human\\_trafficking.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1123460/ALB_CPIN_Human_trafficking.pdf)

<sup>2</sup> David Neale, “Albanian boys and young men: the risk of trafficking and re-trafficking on return,” June 2019 <https://www.gardencourtchambers.co.uk/news/albanian-boys-and-young-men-the-risk-of-trafficking-and-re-trafficking-on-return>

<sup>3</sup> Home Office, “Report of a fact-finding mission: Albania: Human trafficking,” December 2022 [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1123466/ALB\\_FFM\\_report\\_on\\_human\\_trafficking.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1123466/ALB_FFM_report_on_human_trafficking.pdf)

account at its highest, the claimant does not have a well-founded fear of persecution and is not at risk of serious harm, would be able to receive sufficient protection from the authorities of their home country, and/or could safely and reasonably relocate internally within their home country to avoid the risk.

4. To suggest that Albanian trafficked men's and boys' claims can now be certified is a radical position, and a significant departure from the previous CPIN. For the reasons set out below, this departure is unjustified.

#### **Are men and boys less likely to be trafficked than women and girls?**

5. At 2.4.3 the CPIN asserts that *"Most victims of trafficking are women and girls, the majority of whom are trafficked for sexual exploitation."*
6. This claim is not supported by the CPIN's sources and should be viewed with considerable caution. The Ministry of the Interior statistics provided by UNICEF to the Home Office FFM team show that in 2021, there were 2 female and 2 male recognised victims of trafficking, and 95 female and 58 male recognised potential victims of trafficking. Of all victims and potential victims, 59 were trafficked for sexual exploitation while 66 were trafficked for forced labour and begging.<sup>4</sup>
7. Although women and girls made up the majority of identified potential victims of trafficking, it is clear that men and boys made up a significant minority. Importantly, the CPIN's sources give us reason to think that these statistics may undercount trafficking of men and boys, relative to trafficking of women and girls. Multiple interviewees in the Home Office FFM report highlighted that many trafficked boys and men do not see themselves as victims of trafficking, and are reluctant to ask for help.<sup>5</sup> If this is so, then one would expect the proportion of males among recognised trafficking victims to be lower than the proportion of males among those actually trafficked.
8. The CPIN also cites (at 3.3.8-3.3.12) statistics provided by two of the NGOs working with trafficking victims, Different and Equal and Vatra, both of which show higher numbers of female than male victims. However, these figures are for those receiving assistance from NGOs. They do not claim to be reflective of everyone who has been trafficked. Again, given the evidence that men and boys are less likely to see themselves as victims and less likely to seek protection, it is unsurprising that fewer men and boys are receiving support. As a matter of logic, this does not necessarily mean that men and boys are less likely to be trafficked than women and girls. It may simply mean that men and boys who are trafficked are less likely to receive support.

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<sup>4</sup> Ibid., pp 13-15

<sup>5</sup> Ibid., pp 20, 28, 23, 81, 94 and 103

9. It is therefore unsafe to assert, on the available evidence, that men and boys are less likely to be trafficked than women and girls. Fewer men and boys than women and girls are recognised as trafficking victims and receive support, but it does not follow that fewer men and boys are actually trafficked.

#### **Factors putting men and boys at risk of re-trafficking**

10. The starting point for evaluating risks of re-trafficking is the case of *TD and AD (Trafficked women) CG* [2016] UKUT 92 (IAC) which gives the following Country Guidance:

*“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 Horvath-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.*"

11. *TD and AD* is concerned with trafficked girls and women. However, a 2019 report by Asylos and Asylum Research Centre found that similar risk factors applied to men and boys. That report found that the risk factors for men and boys included poverty, low education, suffering from physical or mental disabilities, domestic violence and/or sexual abuse within the family or a pre-existing blood feud, being LGBT and for children, being Roma or Egyptian or homeless.<sup>6</sup> Criminal groups *"identify the most vulnerable boys those that have no family support - those that are in immediate need to make some sort of living"*.<sup>7</sup>

12. The Home Office FFM report provides further support for this. Terre des Hommes told the FFM team that *"At present domestic violence (DV) is one of the most vulnerable situations associated with trafficking. Also if people have disabilities in the family, alcohol, mental health (MH) issues or physical issues. The economic situation is an issue too. Plus dysfunctional families (violent) and single headed households, and children who have dropped out of school. Not everyone that has these vulnerabilities are at risk, but if they have two or more, then yes."*<sup>8</sup> Mary Ward Loreto Foundation similarly told the FFM team *"Albania is safe to live in if you are not vulnerable. If you are vulnerable and poor you are not safe..."*<sup>9</sup> This provides further support for the contention that those trafficked men and boys who display the *TD and AD* risk factors are at risk of re-trafficking.

13. This appears to be accepted by the CPIN. At 2.4.9 it acknowledges *"Men and boys who are from poor backgrounds, have low/poor education, have physical or mental disabilities, experienced domestic including sexual abuse, and/or live in remote areas are more likely to be vulnerable to being trafficked, re-trafficked or face reprisal than men and boys generally."* It goes on to state at 2.4.11 *"In general, the available evidence does not indicate that men and boys who have been trafficked to the UK will be at risk of serious harm on return for that reason alone. Whether they face a risk of such treatment will depend on their personal circumstances, including individually or in a combination factors such as their age, education, skills and employability, area of origin, health and disability, availability of a support network, and the intent and reach of their traffickers."*

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<sup>6</sup> Asylos and Asylum Research Centre, "Albania: Trafficked boys and young men," May 2019, pp 16-26 <https://www.asylos.eu/Handlers/Download.ashx?IDMF=b49e66a6-a777-47da-90f7-b2fcc14946fa>

<sup>7</sup> Ibid., p 36.

<sup>8</sup> Home Office FFM report, p 91.

<sup>9</sup> Ibid., p 95.

14. In my experience of working with Albanian trafficked boys and young men, most display some or all of these risk factors. Most are from poor backgrounds, most have significant mental health issues, some have other disabilities, and many have been victims of domestic violence or other forms of abuse. With this in mind, it is wholly wrong for the CPIN to suggest that most claims can be certified. Legal representatives should be mindful of the need to document these vulnerabilities at an early stage, including by obtaining medico-legal evidence before an initial decision is taken.

### **Stigma for trafficked men and boys**

15. At 2.4.10 the CPIN asserts *“Albania is a patriarchal society with male family members expected to provide for their families. There is a general lack of awareness that men and boys may be victims of trafficking, and those who are trafficked may not understand that they have been exploited and be reluctant to seek assistance... There is, however, little evidence in the sources consulted that single men and boys, including those who may have been exploited, face the same societal stigma or discrimination as lone women.”*

16. While the first two sentences are clearly correct, the third sentence does not adequately reflect the CPIN’s sources, some of which do suggest that men and boys experience stigma from being identified as trafficking victims.

17. Importantly, Key Adviser, a private employment agency working with UNICEF Albania, told the FFM team *“Stigma affects both men and women, boys and girls, I would actually say boys and men feel much more stigmatised than women. When we talked to our vocational students about human trafficking they recalled an old phenomenon in the 1990s when young girls were taken on boats to Italy for sexual exploitation. So they associate trafficking with sexual exploitation and feel insulted and never admit they are VOT. They cannot cope with the fact that trafficking has evolved and now displays in other forms and doesn’t just equate with sexual exploitation. They don’t think that they meet this category. They don’t see labour exploitation as trafficking.”*<sup>10</sup> NISMA ARSIS, when asked whether men face the same levels of stigma as women, said *“I have not identified a big difference.”*<sup>11</sup>

18. Sources also reaffirm that trafficked men do not perceive themselves as trafficking victims. In answer to a question about whether men who return from abroad face stigma, SHKEJ told the Home Office FFM team, *“No, or at least they pretend that there is no stigma. In Albania men need to be strong. They say they are men, and they don’t accept they have been trafficked or placed into labour exploitation. They would rather say that it was their choice. This is my personal opinion outside of my work: my friends who have gone to the UK don’t realise that they have been slaves sitting 6 months*

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<sup>10</sup> Home Office FFM report, op. cit., p 100

<sup>11</sup> Ibid., p 32

*inside a cannabis house.”<sup>12</sup> In answer to a similar question, Different and Equal said “If they are adults they face some stigma, less so with minors. Few men ask for help on their own. Only a few go to ask the police for help. Of all the cases of men, only 2 have asked for help. Others were asking for help on something else and by giving help we recognised that this was actually a situation of trafficking. So men feel they have to be strong and not ask for support and we see they are more resistant to receive counselling.”<sup>13</sup>*

19. The Asylös/ARC report also provides evidence that men and boys do experience stigma. Anne-Marie Barry stated *“human trafficking in Albania is still mainly associated and identified with females in sexual exploitation. Males are unlikely to be seen by authorities as potential victims of human trafficking. There is also a strong sense of shame and stigma associated with these issues, and from my experience of speaking with NGOs and support agencies, it seems that it would be rare for a male to disclose exploitation, due to the associated shame surrounding that.”<sup>14</sup>*

20. Therefore, multiple sources support the view that, because of the association between trafficking and sexual exploitation in public perception in Albania, there is a stigma attached to being identified as a victim of trafficking. Men and boys are reluctant to identify as victims of trafficking because of the stigma associated with doing so. The sources therefore do not support the suggestion that male victims of trafficking who are identified as such do not experience stigma.

### **Sufficiency of protection for men and boys**

21. For girls and women, the *TD and AD* risk factors are relevant not only to risks of re-trafficking, but also to the adequacy of protection against that risk. For the reasons set out below, the same is true for men and boys.

22. The Asylös/ARC report makes clear that corruption and improper influence in the legal system is a major issue. As Dr Stephanie Schwandner-Sievers states:

*“...the only people who get justice are those who have more money and better connections. That means that if you are a vulnerable victim, a really vulnerable trafficking victim, and you’re up against somebody who is a big organized crime boss with lots of money, you have no chance because this person can bribe whomever, and they have the connections too. You are basically excluded from justice, regardless of what is on paper, it happens really subtly. It happens in the way in which certain things are submitted or not, so it’s very difficult to put your hand on where the problem really is because, if you observe, say, a court case, it looks all fabulous, but some of the things may not have been even admitted as evidence or witnesses or what-not. There are also real threats and*

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<sup>12</sup> Ibid., p 61

<sup>13</sup> Ibid., p 20

<sup>14</sup> Asylös and Asylum Research Centre, op. cit., p 104.

*stuff. So corruption is the big issue of whether somebody can actually have fair access to justice and protection.”<sup>15</sup>*

23. The Asylos/ARC report highlights evidence of police officers and prosecutors taking bribes to botch evidence, dismiss criminal proceedings and create unnecessary delays.<sup>16</sup>
24. Again, the Home Office FFM report provides further support for this. Balkan Investigative Reporting Network (BIRN) Albania told the FFM team *“Another thing that is generally accepted, even by high officials and the current (Albanian) Prime Minister (PM), is people that have been engaged in human trafficking (HT) or drug trafficking have gone into politics,”* and refers to a former Mayor of Kavaje who was responsible for gang rape in Italy, as well as the former Minister of the Interior Saimir Tahiri who had *“facilitated his cousins for drug trafficking in Italy.”* When asked whether a person fearing an organised criminal gang could get protection from the police, BIRN said *“If you’re asking will it be sufficient, no, in my opinion.”<sup>17</sup>* This provides further support for the view that, given the strong links between organised crime and politicians in Albania, those who fear trafficking gangs will not be adequately protected by the state.
25. A study by Klea Ramaj of trafficking victims returned to Albania, which is one of the CPIN’s sources, similarly states *“...victims’ sense of safety is highly related to their reintegration. A recurrent theme in the interviews was the risk of reprisals from the victims’ traffickers: “In my opinion, safety and security issues are among the main problems during the entire reintegration process. Even when the trafficker [is] imprisoned, threats do not seem to stop”... Trafficking victims were protected by special security forces while living in the organizations’ shelters. Hence, in those cases, threats were mainly directed toward professionals or the victim’s family members. The reasons behind the lack of measures taken against the traffickers were tied both to the complexity of trafficking cases and to Albania’s weak judicial system.”* Ramaj goes on to note that *“corruption in the Albanian justice system is very widespread.”<sup>18</sup>*
26. Ramaj also notes *“Many victims provide false confessions and claim that they have not been trafficked or exploited. They also refuse to name the individuals who have accompanied them outside the country”... There might be several reasons behind the victims’ reluctance to truthfully confess to Albanian police. While practitioners mentioned the psychological resistances to the traumatic past, threats from the trafficker, or fear of retaliation, another factor that might have pushed victims into falsely confessing might be related to a lack of trust toward Albanian authorities, due to the latter’s potential stigmatizing comments or involvement in corruptive affairs.*

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<sup>15</sup> Ibid., p 82.

<sup>16</sup> Ibid., p 87.

<sup>17</sup> Home Office FFM report, op. cit., pp 103-106.

<sup>18</sup> Klea Ramaj (2021) The Aftermath of Human Trafficking: Exploring the Albanian Victims’ Return, Rehabilitation, and Reintegration Challenges, Journal of Human Trafficking, *Journal of Human Trafficking*, 7 May 2021 <https://www.tandfonline.com/doi/full/10.1080/23322705.2021.1920823>



*The U.S. Department of State (2020) points to instances of Albanian government employees complicit in trafficking cases.*<sup>19</sup>

27. As the CPIN acknowledges, there are no shelters which provide support to adult male victims of trafficking. The Home Office FFM report shows that there are four shelters for victims of trafficking in Albania: three run by NGOs (Different and Equal, Tjeter Vizion and Vatra) and one run by the state.<sup>20</sup> As Different and Equal clarifies, there are no specific shelters for (adult) males, who are supported outside the shelters.<sup>21</sup> The only shelter which provides support to children is Tjeter Vision, which has a total capacity of 20 beds, including 2 emergency beds.<sup>22</sup> Therefore, adult men will not be able to access a shelter, and the available shelter capacity for boys is limited.
28. Critically, the support provided by the Government for victims of trafficking is inadequate to meet their basic needs. Multiple sources in the Home Office FFM report state that the financial support provided by the Government is only ALL 9,000 (around EUR 80) per month and that this amount is not enough to live on.<sup>23</sup> UNICEF states that, although there is housing support in some municipalities, it has stagnated and in some cases support is not being implemented.<sup>24</sup> Similarly, a UNICEF report cited in the CPIN notes that, in relation to the ALL 9,000 per month in economic assistance, *“few survivors are accessing this economic assistance. The main reasons are that applying for economic assistance is time-consuming, the amount of such assistance is low, and the survivors may face discrimination from frontline professionals when applying for assistance.”*<sup>25</sup>
29. Even if a victim is able to find work, they may not make enough money to live on. The Mary Ward Loreto Foundation told the FFM team that the minimum wage is ALL 33,000 (EUR 300) while the cheapest rent is EUR 200 to 250 per month, making it *“almost impossible to live... moving into starvation level really.”* The Foundation adds that *“...that is for people in good jobs working in call centres. Call centres are the biggest employers for the youth. Wages in factories are even less – in sweat shops you earn 150 euro a month. But there is no alternative. And in the south they are not even declaring employees so they are not protected and recruited on the black market.”*<sup>26</sup> Ramaj similarly states *“long-term reintegration was negatively influenced by a lack of*

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<sup>19</sup> Ramaj, op. cit.

<sup>20</sup> Home Office FFM report, op. cit., p 30.

<sup>21</sup> Ibid., p 17: “There are no specific shelters for males. They are supported mostly outside the shelters, with housing and reintegration.”

<sup>22</sup> Ibid., pp 24-25.

<sup>23</sup> Ibid., pp 18 and 64; see also p 11 where UNICEF confirms that the support provided “is only \$90 USD a month and does not even cover basic living costs”, and p 22 where the OSCE confirms that “government support is very low”.

<sup>24</sup> Ibid., p 11.

<sup>25</sup> UNICEF, “Economic reintegration of trafficking survivors in Albania,” July 2022, p 11

<https://www.unicef.org/albania/media/5356/file/Economic%20reintegration%20of%20trafficking%20survivors%20in%20Albania.pdf>

<sup>26</sup> Home Office FFM report, op. cit., p 96.

*economic sustainability and exploitative working conditions... trafficking victims were mainly employed as manual workers in sweatshops with poor working conditions”.*<sup>27</sup>

30. The lack of adequate financial support is a critical issue, because, as set out above, poverty and economic vulnerability are key drivers of trafficking, and traffickers prey on the most economically vulnerable men and boys. Ramaj states *“most professionals stated that escaping miserable economic conditions was the primary reason for re-trafficking,”* and quoted an interviewee as saying *“Accommodation and employment are crucial. If victims don’t have enough financial resources, if they don’t have a place where to sleep, in a short time they will re-fall prey to traffickers.”* She concludes that *“reintegration was impeded by a lack of financial stability, exploitative working conditions, difficulties in accessing justice, a lack of state social services, and a weak bureaucratic system.”*<sup>28</sup> This corroborates the view of Dr Edlira Haxhiymeri in the Asylos/ARC report that traffickers *“identify the most vulnerable boys those that have no family support - those that are in immediate need to make some sort of living”.*<sup>29</sup>
31. Failure to recognise men and boys as victims of trafficking also remains a problem. As of December 2020, the Council of Europe Group of Experts on Action against Trafficking in Human Beings (GRETA) said *“no Albanian men have been identified as victims of trafficking. However, all actors involved in action against trafficking in Albania agree that there are certainly cases of men being trafficked, mainly for the purpose of labour exploitation abroad.”*<sup>30</sup>
32. In short, nothing in the Home Office FFM report or the CPIN’s sources detracts from the conclusion that trafficked men and boys who display some or all of the *TD and AD* risk factors will not be adequately protected by the Albanian state against being re-trafficked. The endemic official corruption and the links between criminal gangs and politicians make it unlikely that victims of trafficking will receive adequate protection from the police. And given the poor economic conditions and the extremely low level of state financial support, vulnerable victims who display the *TD and AD* risk factors are likely to be driven back into the arms of traffickers.

### **Internal relocation for men and boys**

33. The CPIN asserts at 2.6.1 *“In general, female victims of trafficking may be able to internally relocate, but women and girls identifiable as victims of trafficking may face discrimination because of their gender and the fact they have been trafficked. There is no indication that males generally do so. As such, male victims are likely to be able to relocate. Each case will depend on it’s [sic] particular facts, taking into account the*

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<sup>27</sup> Ramaj, op. cit.

<sup>28</sup> Ibid.

<sup>29</sup> Asylos and Asylum Research Centre, op. cit., p 36.

<sup>30</sup> GRETA, “Third evaluation round: Access to justice and effective remedies for victims of trafficking in human beings,” December 2020, at [111]

[https://www.ecoi.net/en/file/local/2042302/GRETA\\_2020\\_09\\_FGR\\_ALB\\_en.docx.pdf](https://www.ecoi.net/en/file/local/2042302/GRETA_2020_09_FGR_ALB_en.docx.pdf)

*person's ability to support themselves to a subsistence level in the place of relocation and the intent and reach of their former traffickers."*

34. The assertion that male victims are *"likely to be able to relocate"* is wholly wrong, and unsupported by the CPIN's sources.
35. There is clear evidence that where an individual is actively being pursued by their original traffickers, it is easy for those traffickers to find and target them in another part of Albania. As the Upper Tribunal accepted in *AM and BM (Trafficked women) Albania CG* [2010] UKUT 80 (IAC) at [186]-[187]:

*"[...] Moreover we would emphasise that, as stated above, Albania is a country with a relatively small population. Dr Schwandner-Sievers refers to common socio-cultural conduct in which every person was socially positioned. We note the comment that the Director of the Anti-Government Unit, Ms Irena Targa, made to Dr Schwandner-Sievers that:*

*"Family relations are that strong in Albania, you have to live here to understand this is no fairy tale, how important family links are. A brother might even have trafficked his sister or killed her because she was trafficked, but the relationship is very strong. This is such a small country; it is not possible to live somewhere without being known. The family is so close. For us it is easier to identify everyone immediately. As soon as someone says their surname we know – the police scan the population. Once the name is mentioned, it depends on the family, but they come here from anywhere they can".*

*We consider therefore that Albania is a country where there is a real fear that traffickers might well be able to trace those who have escaped from them or indeed those whom they fear might expose them. Whether such persons would be motivated to do so is, of course, another matter, as we have discussed above. It is therefore a country where, at least, internal relocation is problematical for the victim of trafficking. To that should be added the difficulties for a single woman to reintegrate into a society where the family is the principal unit for welfare and mutual support as well as, it appears, the channel through which employment is most often obtained. We have therefore concluded that internal relocation is unlikely to be effective for most victims of trafficking who have a well founded fear of persecution in their home area, although once again we consider that it is important to consider each case on an individual basis."*

36. This ability to locate a victim in another part of Albania is not limited to female victims. It also applies to male victims. As Dr Schwandner-Sievers stated in the Asylos/ARC report:

*“...no, you can’t anonymously live in Albania— that is very different from London or from Bristol or any UK city—because it’s such a small country and because also for cultural reasons, the ways in which people situate you socially. You encounter somebody and you meet somebody, and any social contact you make you are defined as a person through where you are from and who your family is. It is almost a ritual; it is a ritual rhetoric. When you meet someone, you ask “How’s your father? How’s your mother?” And you ask that if you know the father and mother. There also is this very big trope of a good or a bad family. It’s very common in Middle Eastern societies, and prevalent in Albania as well, where it was reinforced during the Communist rule in particular. Albania is an incredibly small society. Also, you have very clear social organization with rules such as post-marital virilocal residence still very common. Society is organised patrilineally. This means that you can relate always somebody through their patrilineage. “Who’s your father?” Mother’s family now matters as well, but you are always judged in terms of whether you are from a good or bad family through your parents’ lineages...*

*There is no anonymous living such as in Europe’s large cities. What chance do you have to reintegrate into a society, without your family, where everything is reliant on family? Just being given a rented flat in a city without pre-existing social contacts would make you very conspicuous and attract attention and suspicion.”<sup>31</sup>*

37. This is consistent with the Upper Tribunal’s recognition in *BF (Tirana - gay men) Albania CG [2019] UKUT 93 (IAC)* at [181] that *“a person’s whereabouts may become known in Tirana by word of mouth. Albania is a relatively small country and we accept as entirely plausible that a person might be traced via family or other connections being made on enquiry in Tirana.”*

38. This is not undermined by the CPIN’s sources. Caritas told the Home Office FFM team that *“We are a very small country, we all know each other. It might not be the same trafficker, but someone from within the same network.”<sup>32</sup>* AWEN told the Home Office FFM team that *“It is difficult. Albania is very small and it is easy for the traffickers to find what they’re looking for. There is less possibility to reintegrate and have a normal life.”<sup>33</sup>* Although Tjeter Vizion stated that *“it is not so easy for the victims to be located by traffickers,”* this opinion stands in contrast to the other available evidence, including other sources in the Home Office FFM report. Further, Tjeter Vizion did not suggest

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<sup>31</sup> Asylos and Asylum Research Centre, op. cit., pp 159-160

<sup>32</sup> Home Office FFM report, op. cit., p 51.

<sup>33</sup> Ibid., p 38.

that relocation would bring safety; they went on to state that *“it is not always the same trafficker so some VOT are re-trafficked, but not always by the same person.”*<sup>34</sup>

39. There are also risks of trafficking victims’ personal data being leaked. When asked about internal relocation, UNICEF told the Home Office FFM team that *“Cyber-attacks released everyone’s personal data.”*<sup>35</sup> This is consistent with previous evidence that personal data is inadequately protected in Albania. As a 2018 University of Bedfordshire study stated, *“It appears that there is little emphasis given to data protection, confidentiality and anonymity for people who have experienced trafficking across a broad range of sectors within Albania.”*<sup>36</sup>

40. Therefore, where a trafficking victim is being sought by their original traffickers, there is a real and significant risk of their being located in another part of Albania. The CPIN wrongly fails to acknowledge this risk. Furthermore, even if a trafficking victim is not pursued by their original traffickers, a trafficking victim who displays the vulnerabilities identified in *TD and AD* will be vulnerable to re-trafficking by different traffickers. Those vulnerabilities will not be ameliorated by moving to a new area where the trafficking victim has no family connections or support network; indeed they may be exacerbated. As set out above, the CPIN’s assumption that male victims do not experience stigma is not supported by the evidence.

### **Trafficked men and boys as a particular social group**

41. Section 33 of the Nationality and Borders Act 2022 has redefined the meaning of “membership in a particular social group” for the purposes of the Refugee Convention. Previously, European Union Directive 2011/95/EU defined “particular social group” in terms of two limbs:

*“members of that group share an innate characteristic, or a common background that cannot be changed, or share a characteristic or belief that is so fundamental to identity or conscience that a person should not be forced to renounce it, and*

*that group has a distinct identity in the relevant country, because it is perceived as being different by the surrounding society.”*

42. These are usually known as the “immutable characteristic” and “distinct identity” limbs. The case of *DH (Particular Social Group: Mental Health) Afghanistan* [2020]

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<sup>34</sup> Ibid., p 28.

<sup>35</sup> Ibid., p 13.

<sup>36</sup> University of Bedfordshire, “Vulnerability to human trafficking: A study of Vietnam, Albania, Nigeria and the UK,” October 2017, p 9 <https://www.antislaverycommissioner.co.uk/media/1263/vulnerability-to-human-trafficking-albania.pdf>

UKUT 223 (IAC) held, contrary to some previous authority, that only one of these two limbs need be satisfied: they were alternative, not cumulative. However, section 33 of the 2022 Act, with effect from 28 June 2022, reverses the effect of *DH*, so that both limbs must now be satisfied in order for a group to qualify as a “particular social group”.

43. In light of this change, the CPIN states at 2.3.3 *“Men who are trafficked are not likely to form a PSG. This is because that, while they have an immutable characteristic – the experience of having been trafficked – the available evidence does not indicate that they have a distinct identity within Albanian society.”*
44. However, this conclusion is questionable. As we have seen, the CPIN wrongly proceeds on the assumption that trafficked men and boys who are identified as such do not face a particular stigma in Albanian society. In fact, some sources indicate that they do face stigma. The CPIN also wrongly proceeds on the assumption that “most” trafficking is of girls and women for sexual exploitation, when the available information is insufficient to establish that this is the case. The CPIN’s assertion that trafficked men and boys do not have a distinct identity must therefore also be questionable.

## **Conclusion**

45. The new CPIN is wrong to assert that trafficked boys’ and men’s asylum claims can properly be certified. An asylum claim by a trafficked boy or man is likely to have strong merits where he displays particular risk factors, such as being a victim of domestic violence or sexual abuse, coming from a poor background, coming from a rural or remote area, having little education, having physical or mental disabilities, being LGBT, being Roma or Egyptian, and being homeless. In my experience of working with the Albanian asylum-seeking communities, many of these risk factors are extremely common among trafficked boys and men, most of whom come from poor backgrounds and have significant mental health problems, and many of whom have other vulnerabilities.
46. In light of the new CPIN, legal representatives should be mindful of the risk of certification, even where a client has a positive Conclusive Grounds decision from the National Referral Mechanism. They should ensure that they gather evidence documenting their client’s vulnerabilities at the earliest stages of the claim, and that such evidence is submitted to the Home Office before, not after, an initial decision on the claim is taken. Doing so should help to guard against the risk of an incorrect certification.