

Dismissing Risk: The impact on trafficking survivors of labelling countries of origin as 'safe'

April 2025

The Helen Bamber Foundation (HBF) is a specialist clinical and human rights charity that works with survivors of trafficking, torture and other forms of extreme human cruelty and believes that all survivors should have safety, freedom and power. Our multidisciplinary and clinical team provides a bespoke Model of Integrated Care for survivors which includes medico-legal documentation of physical and psychological injuries; specialist programmes of therapeutic care; a medical advisory service; a counter-trafficking programme; housing and welfare advice; legal protection advice; and community integration activities and services.

Introduction

Swiftly after coming to power in July 2024, the Labour government took positive steps to address the backlog of asylum claims that had grown under the previous government. This included committing to scrap the Rwanda plan and introducing secondary legislation so that asylum decision making previously paused by the Illegal Migration Act 2023 (IMA) could resume.¹

At the same time, though, it was reported that officials intended to prioritise making decisions on the 30% of asylum seekers from countries the UK government considered “safe”, such as Vietnam, Albania, Egypt and India, on the basis that such applications were “most likely to be rejected”.² Six months later, the government published the Border Security, Asylum and Immigration Bill, which, whilst repealing much of the IMA, deliberately retained section 59 of that Act. Section 59 (though not in force yet) broadens the blanket exclusions on applications from people seeking asylum from European Economic Area (EEA) countries to include India,

¹ [The Illegal Migration Act 2023 \(Amendment\) Regulations 2024.](#)

² The Telegraph, [Labour will fast-track plans to grant asylum to up to 90,000 migrants earmarked for Rwanda](#), 19 July 2024

Georgia, and Albania. Asylum and human rights claims from nationals from those countries would only be considered in 'exceptional circumstances'.³

As a human rights charity, we are deeply concerned about any steps that deny those seeking protection in the UK a fair and individualised assessment of their asylum claim. As a charity that specialises in supporting survivors of trafficking, we have a particular understanding of the potential adverse impact of such steps on that group.

Despite thousands of such survivors being identified and confirmed as victims of trafficking by the National Referral Mechanism (NRM: the system for identifying and supporting victims of trafficking in the UK),⁴ and with their need for support and protection therefore also accepted, very few (less than 150 a year) obtain secure immigration status via the NRM.⁵ Of those that do, most only get permission to stay in the UK for 12 months or less with no clear pathway to long-term leave and the integration benefits this would bring. Therefore, for survivors of trafficking who are non-British nationals, applying for asylum in the UK can be an important way to obtain support and a secure status. Within the asylum system, survivors can be recognised as refugees if it is accepted that they are at risk if they return to their country. They are normally granted five year's permission to stay, with a route to settlement.

In this context, this briefing looks specifically at Albanian survivors of trafficking and the impact of measures to curtail the full consideration of Albanian asylum claims.⁶ From 2022 to 2024, Albanians were among the top three nationalities (including UK nationals) referred into the National Referral Mechanism (NRM) - and also among the top three nationalities recognised to be victims of trafficking.⁷ In 2023, over a quarter of the Albanians referred into the NRM also claimed asylum, but there may be many more Albanian trafficking survivors in the asylum system who are not in the NRM.⁸ HBF's work with Albanian survivors of trafficking has shown that many of those forcibly removed to Albania would be at great risk of further exploitation on return. The experiences of our clients illustrate some of the problems with the designation of Albania and other countries of origin as 'safe'.

³ Section 59 of the Illegal Migration Act 2023. Section 59 is not yet substantively in force. It has been brought into force only for the purposes of making regulations under s59(3) and this has been used by the previous government to add India and Georgia to the list of 'safe' countries in section 80A

⁴ The largest group of those referred to the NRM as potential victims of trafficking were British nationals (25%). The second most commonly referred were Albanian nationals (24%; 4,052). See [Modern Slavery: National Referral Mechanism and Duty to Notify statistics UK, end of year summary 2023](#)

⁵ Helen Bamber Foundation, [Leave in Limbo: Survivors of trafficking with uncertain immigration status](#), August 2023

⁶ It should be noted that these changes will also have had a significant impact on other groups at risk, including Albanians with problems linked to 'blood feuds' that result in their need to flee.

⁷ The following number of Albanians were recognised as victims of trafficking in the last three years: 728 (2024), 2527 (2023) and 1238 (2022). See Home Office Modern Slavery Research and Analysis (2024) National Referral Mechanism and Duty to Notify Statistics, 2014-24 [data collection] 14th Edition. UK Data Service. SN: 8910

⁸ 1,141 Albanians in the NRM also claimed asylum. Figure from Freedom of Information Request FOI2024/06253, answered by the Home office on 20th September 2024

'Safe countries of origin' in the asylum system

A person seeking asylum in the UK is someone who has left their home country and is seeking protection from persecution and other serious human rights violations but has not yet been legally recognised as a refugee.

The concept of a 'safe country of origin' in the asylum systems is not new – it usually refers to a country where it has been decided that, in general, those living there are *not* at serious risk of persecution or other serious human rights violations. For example, in the UK, a claim for asylum made by a European Union (EU) citizen will be treated as 'inadmissible' (i.e. will not be considered) unless there are 'exceptional circumstances' (such as the country of origin opting out of its obligations under the European Convention on Human Rights).⁹ At present, this automatic inadmissibility provision applies only to EU nationals, and is based on the assumption that EU Member States, which are bound by the EU Treaties and the Charter of Fundamental Rights, will not persecute their citizens and will afford them adequate protection from violations of their fundamental rights.

The UN High Commissioner for Refugees (UNHCR) has outlined that designating countries of origin as 'safe' as part of an asylum decision process is only permitted under international law as a way of prioritising which claims to examine.¹⁰ Safe country rules that impose blanket bans on asylum claims by people of certain nationalities are *not* acceptable. Furthermore, any designation of a country as 'safe' requires a comprehensive and up-to-date consideration of the evidence in order to determine safety.¹¹

Under the current system, citizens from certain non-EU countries will normally have their UK asylum claim considered but, if their claim is refused and deemed to be 'clearly unfounded', they will have no right of appeal. Such a claim is said to be 'certified.' Any asylum or human rights claim can be certified, but there is a 'white list' of countries whose nationals are much more likely to have their claims certified. This is because 'white list' countries are presumed to be safe (either in general or for particular categories, such as men) for people seeking asylum to return to unless they can show specific reasons

⁹ This provision derives from the so-called Spanish Protocol agreed at the European Union level to exclude asylum claims by nationals of other EU Member States. [Nationality, Immigration and Asylum Act 2002](https://www.legislation.gov.uk/ukpga/2002/41/section/80A), section 80A <https://www.legislation.gov.uk/ukpga/2002/41/section/80A>; House of Commons Library, [Refusing to process asylum claims: the safe country and inadmissibility rules](#), February 2023

¹⁰ [UNHCR's Position on Manifestly Unfounded Applications for Asylum](#), 1992

¹¹ In the ECHR memorandum to the Illegal Migration Bill, the Home Office relied on *Ilias and Ahmed v Hungary*, Application no. 47287/15 to argue that the extension of section 80A to human rights claims and the inclusion of countries such as Albania is compatible with the ECHR. However, not only was this judgment concerned with removal to safe *third* countries, it also held that Hungary had violated Article 3 ECHR because it has relied on the presumption that Serbia was safe without conducting the necessary rigorous examination.

otherwise. Countries can be added or removed from the 'white list' by statutory instrument but, before adding a country, the Home Secretary has to be satisfied that, in general, there is no serious risk of persecution in that country or part of the country, and that sending people back there would not breach the UN Refugee Convention.¹² While an individual assessment should still be made for each case, a higher threshold of evidence is likely to be required for a claim to succeed because it is necessary to rebut the presumption of general safety, and "typically, a majority of white-listed asylum claims are refused, but only some of those refused claims (40%-60%) are then certified as clearly unfounded".¹³

There have also been instances in the past where an increase in claims being made by a particular nationality has resulted in the Home Office taking steps to reduce the total number of positive decisions, rather than conduct a fair examination of each case or investigate why there is an increase in claims. A clear example of this is Eritrean nationals, where the Home Office relied on country evidence that had been proven to be deeply flawed and inaccurate.¹⁴ Another example is Albanian asylum claims, discussed further below, where the previous Conservative government took a number of formal and informal measures that moved far away from a fair and lawful approach to prioritising asylum claims and towards an unlawful blanket ban on asylum claims from that country. In addition, it tried, via the IMA, to broaden the list of countries that could automatically be deemed to be 'safe countries of origin' such that claims from nationals of those countries would be treated as inadmissible, to include Albania as well as India and Georgia.¹⁵

¹² Nationality, Immigration and Asylum Act 2002, section 94(5)

¹³ House of Commons Library, [Refusing to process asylum claims: the safe country and inadmissibility rules](#), February 2023

¹⁴ The Guardian, [Home Office Eritrea guidance softened to reduce asylum seeker numbers](#), 22 January 2017 and The Guardian, [Hundreds of Eritreans' asylum applications still 'incorrectly refused'](#), 28 July 2016

¹⁵ Illegal Migration Act 2023, section 59. Section 59 extends section 80A of the of the Nationality, Immigration and Asylum Act 2002 which provides that asylum claims from EU nationals must generally be declared inadmissible to the UK's asylum system, to cover nationals of Albania, Iceland, Liechtenstein, Norway and Switzerland, and other countries to be specified in regulations, and to include rights-based claims as well as, as now, asylum claims. Section 59 is not yet substantively in force. It has been brought into force only for the purposes of making regulations under s59(3) and the regulation-making power has been used by the previous government to add India and Georgia to the list of 'safe' countries in section 80A of the Nationality, Immigration and Asylum Act 2002.

Survivors of trafficking and the asylum system

Human trafficking usually involves a process of movement of an adult or child to a site of exploitation, for example a bedroom, factory, brothel, hotel, cannabis farm, nail salon, or a shop. The victim is then trapped in modern slavery, most commonly in forms of sexual exploitation, labour exploitation, criminal exploitation or a combination of these. The survivors with whom HBF works have been trafficked to the UK from abroad or have experienced trafficking while en route to the UK and/or following their arrival in the UK. In our experience, survivors who are not granted permission to stay in the UK ('leave to remain'), constantly experience fear and anxiety about the possibility of being returned to their country of origin and/or of being held in immigration detention.

The survivors of trafficking supported by HBF may be granted permission to stay by:

- Being referred into the NRM and, once finally recognised as a confirmed victim of trafficking (receiving a positive 'conclusive grounds' decision), being considered for a grant of leave to remain as a victim of trafficking (known as 'VTS leave'); and/or
- Claiming asylum on the basis of their trafficking-related experiences, with their risk of being re-trafficked should they be forcibly returned to their country of origin, forming part, or all, of the grounds for their claim; and/ or
- Another route for which they may be eligible for under the Immigration Rules, for example, if they have a British child or spouse.

93% of the survivors of trafficking supported by HBF are in both the asylum system and NRM, but very few obtain secure status via the NRM.¹⁶ In January 2023, Home Office policy was changed¹⁷ so that now 'Temporary Permission to Stay for Victims of Human Trafficking or Slavery' (known as 'VTS leave') will be only granted to confirmed victims of trafficking in order to:

- Assist the person in their recovery from any physical or psychological harm arising from their exploitation. However, if the person can get assistance in their home country, then permission to stay may not be granted.
- Enable the person to seek compensation if they are unable to pursue this remotely.
- Enable the person to co-operate with authorities in connection with an investigation or criminal proceedings.¹⁸ Again it must be confirmed that it is necessary for the person to be physically present in the UK to cooperate with the investigation or prosecution.

¹⁶ Helen Bamber Foundation, [Leave in Limbo: Survivors of trafficking with uncertain immigration status](#), August 2023

¹⁷ In order to reflect section 65 of the [Nationality and Borders Act 2022](#)

¹⁸ [Modern Slavery: Statutory Guidance for England and Wales \(under s49 of the Modern Slavery Act 2015\) and Non-Statutory Guidance for Scotland and Northern Ireland](#)

In 2023, 3,139 adults were confirmed as victims of trafficking but only 113 received a grant of 'permission to stay' to assist with their recovery. Fewer than 10 received a grant to assist the authorities. This is around half the number of grants of leave made to confirmed victims of trafficking in 2022.¹⁹ Of those, over half received permission to stay for one year or less, leaving them in an ongoing position of instability.

Survivors frequently, therefore, have to rely on the asylum system as the only way of receiving long-term security (a grant of refugee status being for five years) and continued support to assist their recovery. In order to make a successful asylum claim, a person will need to show that they would have a "well-founded fear" of persecution if they were returned to their home country. This needs to be based on one or more of the following specific grounds: race; religion; nationality; political opinion; membership of a particular social group.²⁰ An asylum claim that is entirely or partly made on the grounds that a person has been a victim of trafficking would usually be made on the basis that they would be at risk of being re-trafficked if returned to their country of origin by specific individuals, or more generally, or that they would be at risk of serious harm because they had been trafficked (for example because of the stigma around their sexual exploitation). It would then be determined whether being a victim of trafficking did or did not make them a member of a particular social group. It would also need to be shown that they would be unable to receive sufficient protection in their country of origin, and there is no other part of their home country that they could safely relocate to.

If an individual's asylum claim is successful, they will be granted refugee status with leave to remain in the UK for five years.²¹ They will be on a pathway to settlement, and many people have a good chance that settlement will be granted, through a free, quick and relatively straightforward process. No extensions are required within that five-year period, so survivors have a substantial period during which they can focus on living and recovery without fear of being removed.

¹⁹ Freedom of Information Request reference: FOI2024/00252, answered by the Home Office on 10th April 2023; Freedom of Information Request reference: 71848, answered by the Home Office on 5th December 2022; and Freedom of Information Request reference: 73773, answered by the Home Office on 12th May. HBF has tried to obtain figures for 2024 via a Freedom of Information request but this has been refused and then delayed.

²⁰ [1951 Convention and Protocol Relating to the Status of Refugees](#)

²¹ In June 2023, the government [paused its group 1/group 2 system](#) of giving people granted protection status reduced length of leave depending on how they reached the UK so all refugees and people with humanitarian protection should be granted five year's leave. See Home Office, [Assessing credibility and refugee status post 28 June 2022](#)

Albanian survivors of trafficking

In recent years, Albanian nationals have been frequently used as scapegoats for the failings of an asylum system that was severely mismanaged by previous governments. Politicians and the press suggested that Albanians were abusing the system and lying about being survivors of trafficking to prevent their removal from the UK.²² These claims were subsequently found to be false by the Office for Statistics Regulation.²³ In his statement on illegal migration at the end of 2022, for example, former Prime Minister Rishi Sunak lamented that *“a third of all arriving in small boats this year...are Albanian. And yet Albania is a safe, prosperous European Country”*.²⁴

However, the human trafficking of Albanians remains a significant issue.²⁵ As current Home Office guidance recognises, Albania is an important source country for victims of trafficking who are trafficked across Europe and into the UK.²⁶ Albanians have for some time formed one of the largest groups trafficked into the UK. Nearly a quarter of HBF’s clients who are survivors of trafficking are Albanian. A larger number are referred to us, but due to our limited capacity we are unfortunately only able to accept around 15% of all referrals received, despite many of those turned down falling within our remit.

Albanians referred into the NRM are just as likely to be recognised as being victims of exploitation as other nationalities. Between 2019 and 2023, 82% of Albanian adults referred into the NRM received positive ‘conclusive grounds’ (CG) decisions, recognising them as victims of trafficking, compared to 83% of all nationalities referred into the NRM. Similarly, 89% of Albanian unaccompanied asylum-seeking children referred to the NRM received positive CG decisions compared to 92% of all unaccompanied children referred.²⁷

	Albanians recognised as victims of trafficking (positive conclusive grounds decisions) ²⁸
2024	728
2023	2,527
2022	1,238
2021	535
2020	497

²² Suella Braverman, [2022 Speech to Conservative Party Conference](#), 4 October 2022

²³ Office for Statistics Regulation, [Ed Humpherson to Jennifer Rubin: use of National Referral Mechanism statistics](#), December 2022

²⁴ Prime Minister’s Office, [PM statement on illegal migration: 13 December 2022](#)

²⁵ US Department of State, [2024 Trafficking in Persons Report: Albania](#)

²⁶ Home Office, [Country Policy and Information Note Albania: Human trafficking Version 16.0](#), July 2024

²⁷ Migrant and Refugee Children’s Legal Unit, [Is Albania a safe country?](#)

²⁸ Home Office, Modern Slavery Research & Analysis. (2024). National Referral Mechanism and Duty to Notify Statistics, 2014-2024. [data collection]. 14th Edition. UK Data Service. SN: 8910

Despite changes in guidance making it more challenging for victims to be identified, the UK has continued to recognise large numbers of Albanians as having been trafficked in the past five years.

During its legislative scrutiny of the then Illegal Migration Bill, the Joint Committee on Human Rights called on the government to remove Albania from the list of 'safe' states in the Bill, stating that:

*"whilst the states listed... may be considered to be safe 'in general', this does not guarantee their safety for all individuals, particularly those who are members of a particular social group such as female victims of trafficking."*²⁹

Albanian men and boys

HBF works with young Albanian men and teenagers subjected to criminal and labour exploitation and in some instances being subjected to sexual exploitation. Some have been trafficked internally within Albania before being trafficked out of the country to the UK. Others have fallen into the control of trafficking gangs while fleeing Albania on the promise of providing the only route out of Albania to safety, or are 'helped' by traffickers later as they travel across Europe to seek asylum.

In HBF's experience of working with Albanian trafficked men, most display some or all of the risk factors for being victims of trafficking, including poverty, low education, physical or mental disabilities, or being LGBTQ+. However, many trafficked boys and men do not see themselves as victims or are reluctant to do so because of the associated shame and stigma. This is particularly the case where they have been subjected to sexual abuse by their traffickers. As a result, it can take a considerable amount of time for these vulnerable young men to disclose their experiences. They struggle to understand how identification as survivors of trafficking takes place and the importance of such recognition in being granted support and protection. The danger of refusing asylum based on an individual's nationality alone is that it does not allow them the time and facilitation needed for these sensitive disclosures to take place or for survivors to understand the implications of their past trafficking experiences.

²⁹ [Joint Committee on Human Rights Legislative Scrutiny: Illegal Migration Bill Twelfth Report of Session 2022–23](#), June 2023

Case study

Theo claimed asylum in the UK as he fears persecution on return to Albania as he is a victim of trafficking and sexual exploitation. Theo was at risk of sexual exploitation and re-trafficking from members of a large criminal gang operating in Albania and also feared coming to harm if returned to Albania because of his sexuality. Groomed as a child, he was forced to work for that gang selling drugs for a number of years, and subject to sexual exploitation and torture by its members, who operated across Europe. Eventually, after being brought to the UK, he was able to escape and was supported to claim asylum and be referred into the NRM.

Albanian women and girls

HBF also works with Albanian women who have been subjected to sexual exploitation. As with men, most display some or all of the risk factors for being victims of trafficking, which are often accompanied by a breakdown in family relationships and a lack of family support. Many of the Albanian women we see who have survived trafficking for sexual exploitation have previously experienced ill-treatment and lack of agency within an overwhelmingly patriarchal family structure. Despite having negotiated leaving such a structure (for example by successfully resisting family pressures to enter forced marriages and going on to higher education) they remain extremely vulnerable to becoming prey to men who (in contrast to their previous experiences) appear to show them respect and love and offer to 'rescue' them and start a new life with them. When these fake 'boyfriends' reveal their true intentions (to force them into sex work for financial gain) they experience an overwhelming sense both of betrayal and of self-blame for having been fooled.

The most commonly occurring mental health difficulties for Albanian survivors of trafficking include PTSD, complex PTSD and depression. Albanian survivors of sexual trafficking almost invariably experience shame as a core component of PTSD; this can be a significant barrier to engagement in therapy. If forcibly returned to Albania, there is a significant risk that our clients will be re-trafficked – the mental health consequences of forced return are outlined in our January 2025 briefing 'Albanians seeking protection and mental health'.³⁰ HBF staff work with clients to build trust and to document their vulnerabilities at an early stage, including by obtaining medico-legal evidence, but not all Albanians who have been trafficked to the UK will have access to specialist services equivalent to those that HBF offers.

³⁰ Helen Bamber Foundation, [Albanians seeking protection and mental health](#), January 2025

Case study

Alana is an Albanian survivor of sexual exploitation who claimed asylum in the UK due to her fear of being re-trafficked or exploited further if returned to Albania.

When Alana was only 20 years old her parents arranged for her to marry a much older man. This man was physically and psychologically abusive during their marriage. Alana did not feel safe in her marriage and ran away to Macedonia where she found work as a waitress. Alana's family disowned her for this and told her she would be punished if she returned to Albania.

At her job one of the regular customers was friendly towards her and they soon started a relationship. He told her he would take her to live with his parents who lived in Germany where they could start a life together and she would be able to study. When they arrived in Germany, Alana was beaten and raped and her 'boyfriend' arranged for other men to rape her for money. He repeatedly threatened her life if she tried to leave. Alana was kept in the same building for two years and on two occasions fell pregnant and was forced to have unsafe abortions.

This man then forced Alana to travel to the UK where he continued to sexually exploit her until she was able to escape through the assistance of one of her customers. Alana is now supported by HBF and has received therapeutic support for her complex post-traumatic stress disorder. Alana is now very fearful of being around men and during her substantive asylum interview dissociated significantly when talking about her trafficking experience. Alana fears returning to Albania because her family will not be able to support her and she is aware that her ex-boyfriend has connections with the police.

Alana received a positive conclusive grounds decision from the NRM confirming that she is a victim of trafficking but her asylum claim was initially certified as 'clearly unfounded', leaving her without a right of appeal. Alana's legal representative challenged this and the Home Office agreed to reconsider the decision. Alana was then recognised as a refugee and was granted refugee status for five years.

Significantly reduced access to protection for Albanian asylum seekers

Although not all Albanian asylum claims are successful, in previous years a significant number of Albanian asylum seekers were recognised to be refugees in the UK, following a rigorous and individualized process. Excluding withdrawals and administrative outcomes (discussed below), the grant rate for initial asylum decisions in 2022 was 60% for all Albanians.³¹ The grant rate for Albanian asylum claims in Italy and Ireland was very similar to the UK.³² In that year, there was also a 57% success rate on appeal to the First-Tier Tribunal for asylum applications made by Albanians and initially refused by the Home Office.³³ It is clear from this that Albania cannot be deemed a 'safe country of origin' for the majority of Albanian nationals seeking asylum in the UK.

Despite this evidence, from 2022 the UK government made a number of changes which made it significantly harder for Albanian nationals to be granted protection. In December 2022, the UK signed a Joint Communique with the Albanian Government to enable faster returns to Albania for those whose claims had failed, who had voluntarily agreed to return or who were foreign national offenders.³⁴ Around the same time, 'Operation BRIDORA' was introduced, through which the Home Office deployed hundreds of staff to work solely on expediting Albanian claims, with the reported aim of refusing as many as possible and declaring them 'clearly unfounded' (and thereby without the right of appeal) so they could be removed from the country.³⁵

The Asylum Casework inspection report by the former Independent Chief Inspector of Borders and Immigration revealed that "*a decision had been taken at ministerial level that **no more than 2% of Albanian claims should be successful***" (emphasis added).³⁶ Furthermore, a secret policy was introduced at the same time which preventing trafficked persons from benefiting from a grant of discretionary leave while they were pursuing a separate asylum claim. This not only disadvantaged Albanian asylum claimants, but the resources needed to increase removals to Albania were cited as one of the reasons for the secret policy being implemented.³⁷

³¹ Home Office [Immigration system statistics, year ending September 2024](#). Includes dependents. For a detailed breakdown of asylum statistics relating to Albania see Migrant and Refugee Children's Legal Unit, [Asylum statistics relating to Albania as a safe third country](#):

³² Migration Observatory, [Albanian asylum seekers in the UK and EU: a look at recent data](#), April 2023

³³ Home Office, [Immigration System Statistics, year ending March 2023: Asylum and Resettlement - Asylum appeals lodged and determined](#)

³⁴ [UK-Albania Joint Communique: Enhancing bilateral Cooperation in areas of common interest](#)

³⁵ The Independent, [Asylum units ordered to only process Albanian cases in push to speed up deportations](#), 2 February 2023

³⁶ Independent Chief Inspector of Borders and Immigration, [An inspection of asylum casework June to October 2023](#), October 2023

³⁷ Free Movement, [The Home Secretary's unlawful secret policy to withhold leave to remain from victims of modern slavery](#)

These policy changes were combined with updates being made to the Country Policy and Information Notes (CPINs),³⁸ intended to support the argument that Albania is a 'safe' country. Yet extensive research has shown that the guidance set out in the CPINs does not reflect the evidence cited to justify them.³⁹ Other evidence also indicates that there is merit in many Albanian asylum claims, including in relation to blood feuds, domestic violence and trafficking.⁴⁰

While the Joint Communiqué also committed Albania to providing sufficient protections domestically for victims of human trafficking and modern slavery,⁴¹ the 2024 United States State Department Trafficking in Persons report makes clear that survivors of trafficking are unlikely to be protected adequately by the Albanian state against being re-trafficked; the Albanian government did not meet the minimum standards for the elimination of trafficking in several key areas. For example, "police and district prosecutors did not have the specialized experience and capacity to investigate and prosecute trafficking cases"; "NGO-managed mobile victim identification units (MIU) remained underfunded and understaffed"; and "the government lacked resources for reintegration efforts for victims".⁴²

Researchers Claudia Neale and Micah Anne Neale have outlined that:

*"The evidence is clear that corruption undermines state protection against trafficking and organised crime in Albania, and that an internal relocation alternative is not available for those who are being pursued by a sufficiently determined persecutor. Those victims of trafficking who exhibit [risk factors]... will be at risk of re-trafficking on return, and will not have a sufficiency of protection or an internal relocation alternative."*⁴³

To further deter Albanian nationals from coming to the UK, in May 2023 the Home Office launched ad campaigns⁴⁴ targeting them via social media. It is concerning that these ads used threats and language similar to those HBF often sees used by traffickers - i.e. survivors would be 'detained and removed' if they made the journey to the UK, thereby manipulating them into staying in an abusive relationship/setting. There was no evidence that such ads would prevent people from travelling. HBF is concerned that instead that they could increase the risk of

³⁸ A document which provides guidance to asylum decision-makers about country conditions to assist in making decisions in asylum and human rights applications

³⁹ See Migrant and Refugee Children's Legal Unit, [Albanian Asylum Claims Toolkit](#)

⁴⁰ Garden Court Chambers, [Immigration Blog: Albania: is it really a "safe country" for the purposes of certification?](#), 17 September 2024

⁴¹ [UK-Albania Joint Communiqué: Enhancing bilateral Cooperation in areas of common interest](#)

⁴² US Department of State, [2024 Trafficking in Persons Report: Albania](#)

⁴³ Garden Court Chambers, Shpresa Programme and Migrant and Refugee Children's Legal Unit, [Trafficking and organised crime in Albania](#), May 2024

⁴⁴ BBC, [Home Office starts ad campaign to deter Albanian migrants](#), 28 May 2023. This was then rolled out to Vietnam: Home Office, [International social media campaign launched to stop the boats](#), March 2024

people taking alternative and possibly more dangerous journeys and could reduce the likelihood of them engaging with the authorities and thereby securing protection.

Significant numbers of Albanian cases were also treated by the Home Office as 'withdrawn'⁴⁵ and not considered at all during this period. For example, many Albanians were targeted and told they must report in person rather than by telephone. Many missed doing this due to not receiving the letter telling them to do so, or because they were too fearful of the potential consequences of such in-person reporting (i.e. detention and removal). Their asylum claims were then treated as withdrawn because they had 'failed to report'.⁴⁶

After these measures were introduced, there was a 79% drop in Albanian applications for asylum, from 17,340 in 2022 to 4,542 in 2023 and thousands of Albanian asylum applications were treated as 'withdrawn'⁴⁷ by the Home Office (and therefore not substantively considered). Where decisions were actually made, there was a **drop in the percentage of Albanians granted refugee status at first instance from 60% in 2022 to 11% in 2023.**⁴⁸

The following decisions were made in 2023:

- 807 granted **refugee status**
- 198 were granted **another form of leave**
- 7,067 cases were **refused (4,319 of these were 'certified' with no right of appeal)**
- 10,738 cases were treated as **'withdrawn'**
- 1,047 cases were given an **'administrative outcome'**.⁴⁹

⁴⁵ Paragraph 333C of the Immigration Rules sets out the circumstances in which it is appropriate to treat an asylum claim as withdrawn. If claimants fail to comply with the asylum process or absconds from their accommodation their claim may be implicitly withdrawn. Claimants may also choose to withdraw their asylum claim. This is referred to as an explicit withdrawal. See Home Office, [Withdrawing asylum claims Version 10.0](#), October 2024

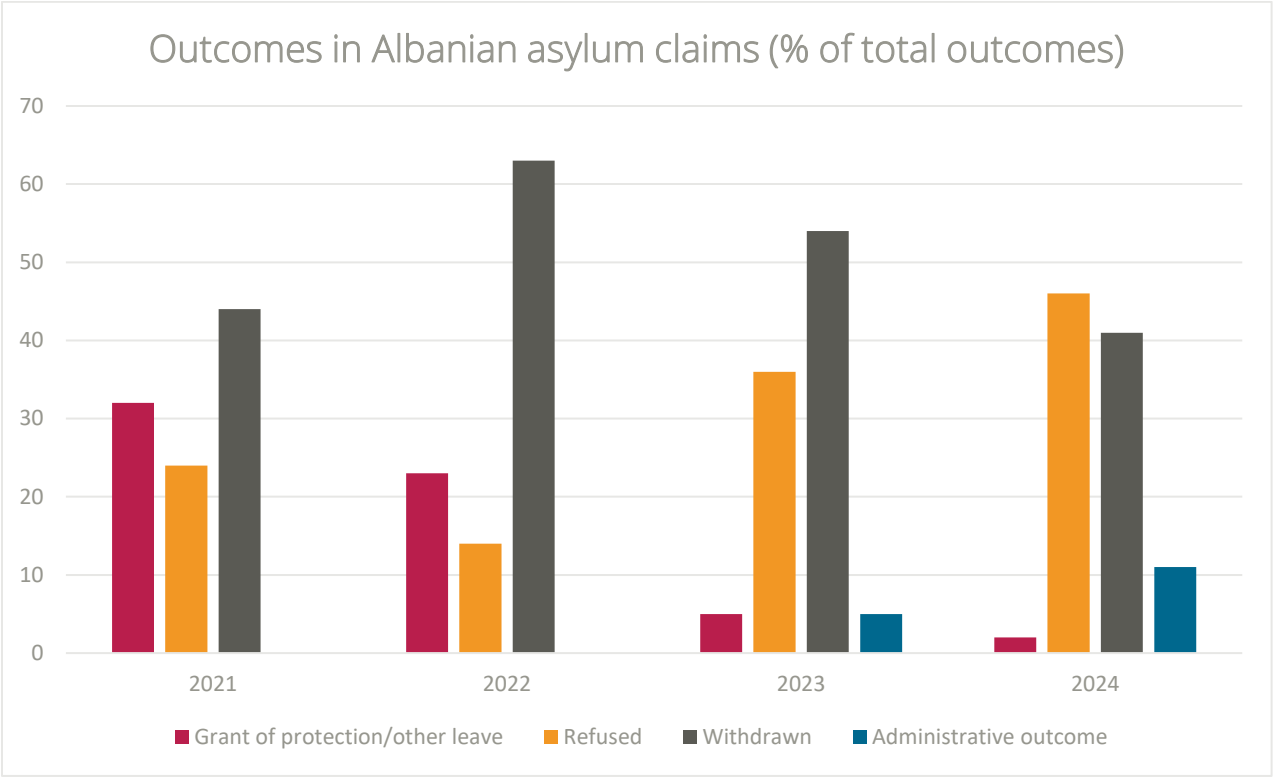
⁴⁶ Free Movement, [Is the Home Office unlawfully treating asylum claims as withdrawn?](#)

⁴⁷ For example, on the ground that the applicant had failed to attend an interview, often in circumstances where the invitation to interview had been sent to the wrong address (despite the person being in Home Office accommodation) or at very short notice. See, for example, The Guardian, [Newborn baby made homeless by Home Office in frenzy to clear asylum backlog](#), 20 July 2024

⁴⁸ This figure excludes withdrawals and administrative outcomes to isolate the impact of 'safe country' considerations which would only arise in substantive decision making. See Home Office [Immigration system statistics, year ending September 2024](#)

⁴⁹ The 'administrative outcome' category in Home Office statistics is described as including "a small number of cases that were previously categorised as a withdrawal, as well as other administrative outcomes including voided and suspended cases".

The table below shows that this increase in refusals continues into 2024 and forms a stark contrast to the situation in 2021:



This does not suggest a fair and proper assessment of asylum claims, but rather a system driven by political will, with a drop in success rate of Albanian claims due to policy decision rather than any substantive changes in the country.

The experiences of HBF's Albanian clients: a snapshot

HBF analysed the cases of 34 Albanian clients who are survivors of trafficking; were accepted for and continue to receive support under HBF's Model of Integrated Care; and who received decisions on their asylum claims between 1st January 2021 and 31st December 2024 (77% of our total number of Albanian clients who have been trafficking). There was a substantial increase in initial negative decision making from the end of 2022. However, our knowledge of our clients' experiences and the success rate on appeal suggests that that this was not due to any change in the substance of the claims but rather to the broader policy changes outlined above, leading to an increased number of Albanian cases being refused.

Of the 34 cases, 27 were female and 7 were male. All had provided accounts of being survivors of human trafficking. 32 received positive conclusion grounds (CG) decisions from the NRM, meaning that they have been subject to a two-stage assessment process in which they provided detail and evidence of their experiences and were subsequently accepted by the Home Office as victims of trafficking. The NRM process also uses a higher threshold than the asylum system (the standard of proof is the balance of probabilities rather than 'reasonable likelihood'). Of the two others, one is still waiting for their CG decision and one has withdrawn their NRM referral.

Before the end of 2022:

- 10 out of 14 clients (71%) were granted refugee status or humanitarian protection (HP) at the first instance.
- 3 clients were refused and then granted refugee status after appealing to the First Tier Tribunal
- 1 client was granted Appendix FM leave on the basis of having a British daughter. The latter had claimed asylum but withdrew her claim through submission of her Appendix FM application owing to the "stress" of the asylum process.

In contrast, from January 2023 to the end of 2024, out of the other 20 clients:

- Only 2 clients (10%) were granted refugee status or HP at first instance
- 2 clients were granted refugee status after successful First Tier-Tribunal appeals
- 1 client was granted refugee status by the Home Office after the decision to certify their case as clearly unfounded case was reconsidered
- 15 clients had their claims refused at first instance and have pending appeals
- 1 client's asylum claim was considered void – they have requested that it be reinstated (see case study below)

Out of the 18 refusals from January 2023 to June 2024, three were overturned and 15 are waiting for an appeal hearing. In the appeal decisions made by the First Tier Tribunal that we have seen, there has been careful consideration of the individual and country evidence provided. At the time of publication, 100% of the appeals in this cohort that have been heard (five) have been successful. The most recent available data show that in 2022 and 2023 the success rate for appeals in Albanian asylum cases as a whole was 57% and 51%.⁵⁰ This suggests that a large number of the refusals at first instance stem from flawed initial decision making, resulting in wasted time and resources and causing unnecessary distress to an already vulnerable client group. There remains a significant concern that, while most HBF clients have access to a legal aid funded solicitor, the ongoing legal aid crisis means that many others will not have a legal representative, limiting their ability to lodge an appeal, challenge an incorrect certification or withdrawal decision, or put forward a positive and properly evidenced and argued case.

Furthermore, the backlog in the UK asylum appeals system has grown significantly - figures from the Ministry of Justice show that at the end of 2024 there were 41,987 asylum appeals in the tribunal backlog, up from 7,173 at the start of 2023.⁵¹ The average time it takes for the First-tier Tribunal to decide an asylum case was 42 weeks in the period July to September 2024, up from 39 weeks six months earlier.⁵²

HBF works with some of the most vulnerable survivors of trafficking. While our numbers are small, they reflect trends in the national figures and suggest that the approach taken towards Albanian nationals in the asylum system in recent years has willfully ignored the high number of them who are recognised survivors of trafficking and the risk they would face on return.

⁵⁰ Home Office, [Asylum appeals lodged and determined detailed datasets, year ending March 2023](#)

⁵¹ The Guardian, [Number of UK asylum seekers awaiting appeals up by nearly 500% in two years](#), 16 March 2025

⁵² Freemovement, [Asylum appeals backlog stabilises. For now...](#), December 2024

Case study – asylum claim being made ‘void’ by the Home Office

Besnik is a male survivor of trafficking from Albania where he had been forced to work over 12 hours a day, abused, tortured and not provided sufficient food. He claimed asylum in May 2022 and was referred into the National Referral Mechanism (NRM) shortly after claiming asylum. He received a positive reasonable grounds decision in June 2022 and a positive conclusive grounds decision, confirming him to be a victim of trafficking in January 2024.

He was formally accepted as an HBF ‘Model of Integrated Care’ client in October 2023 owing to his experience of extreme human cruelty and trauma-related mental health symptoms. He was reviewed by our mental health team and commenced stabilisation sessions which he still attends. He exhibits symptoms consistent with Post-Traumatic Stress Disorder (PTSD), including frequent nightmares, intrusive thoughts and flashbacks, heightened vigilance, and significant difficulty trusting others. Additionally, he reports feeling depressed and anxious with a noticeably poor appetite.

Shortly after being referred to HBF, Besnik sought support from our Housing & Welfare Team in making an application for asylum accommodation and support (‘Section 95 support’), believing he had a pending asylum claim. It was only upon his Section 95 support being refused that he learned that his asylum claim had been ‘made void’ in late 2023 without his knowledge as the Home Office classed him as an ‘economic migrant’. Besnik had never been interviewed and the decision seems to have been reached on the basis of little to no supporting evidence (he only had a brief statement, taken whilst in detention to assist with a bail application) with the decision maker well aware that Besnik was a potential victim of trafficking.

By the time he learned of his refusal, Besnik was out of time to lodge an appeal and did not have access to legal representation to assist with other remedies. HBF has been continuing to support him to seek advice on his asylum claim and further assistance.

Conclusion

The presumption that a country of origin is 'safe' can result in improper assessment of evidence in asylum claims. This can leave survivors of trafficking at risk. Despite the policy measures outlined above, which sought to reduce the number of Albanians granted protection and increase removals, many Albanians have been granted protection, whether at first instance and on appeal. If those claims had been treated as inadmissible, their well-founded fear of persecution would never even have been considered by the Home Office. If section 59 of the Illegal Migration Act had been in force in 2023, this could have meant over 800 refugees would have been at risk of *refoulement* (being forcibly returned to a country where they were at risk of persecution in breach of the UN Refugee Convention and the European Convention on Human Rights) because their claims would never have been considered. An effectively 'blanket' ban on Albanian asylum claims would result in significant numbers of individuals who have credible asylum claims being returned to face further harm, in contravention of the UK's international and domestic legal obligations.

While much of the information in this briefing relates to measures introduced by the former government, the current Labour government continues to push the rhetoric that Albanian nationals, alongside other nationalities, will be returned quickly. In the context of trafficking, as well as Albanians we are particularly concerned about reports regarding Vietnamese nationals claims being prioritised because the country is 'safe'. In the summer, the Home Secretary announced that the first charter flight to Vietnam since 2022 had taken place on 24 July 2024, containing 'foreign criminal and immigration offenders'.⁵³ While we do not have the background details of the individuals returned, it is well established that many Vietnamese nationals are survivors of trafficking and a proportion of those will have been forced to undertake criminal offending as part of their exploitation. All of the Vietnamese nationals we currently support are survivors of trafficking, with over 75% of them having received a positive conclusive grounds decision. In 2024, the third most commonly referred nationality to the NRM was Vietnamese.⁵⁴

Measures blocking people from protection will do nothing to address the causes of forced displacement and unauthorised movement through Europe to the UK. They will instead intensify the vulnerability of those who will continue to rely on the services of smugglers in the absence of legal routes to protection. They risk leaving survivors of trafficking and exploitation without support, and result in people seeking protection being removed to countries where

⁵³ Home Office, [Criminals and immigration offenders removed on charter flight](#), July 2024

⁵⁴ The most common nationalities referred this year were UK (23%; 4,441), Albanian (13%; 2,492) and Vietnamese (11%; 2,153). See [Modern Slavery: National Referral Mechanism and Duty to Notify statistics UK, end of year summary 2024](#)

they face further persecution and/or re-trafficking. All of which is in breach of the UK's commitments under both the Refugee Convention and the European Convention on Human Rights. What is needed are fair, humane, and effective systems that protect the right to claim asylum in the UK and ensure that all claims are properly and fairly considered.

Case study

Hao is a national of Vietnam and a long standing HBF client having been accepted over five years ago. He was an activist who had been trafficked to the UK as a child by Vietnamese loan sharks. Within the UK, he had been forced, as a child, to work long construction jobs and on cannabis farms for his traffickers. He worked very long hours and had been beaten by his traffickers. He only escaped them in early 2019, after years of work. In that year he registered his asylum claim being detained shortly afterwards.

He first received his positive reasonable grounds decision in mid 2019 and a positive conclusive grounds over a year later. He was granted refugee status a few months after his positive conclusive grounds decision.

Having access to the asylum system was crucial for a man like Hao. He had faced a protracted delay in claiming asylum through no fault of his own and there is no doubt that the additional delay of an appeals process would have proved a substantive weight on him. Following his grant, he benefitted from HBF therapy sessions and he now is being assessed for a possible candidate for graduation from services – having found his strength to fly.

Recommendations

- Section 59 of the Illegal Migration Act 2023 should be repealed.
- There must be minimal barriers to accessing asylum. While claims deemed well founded may be subject to accelerated grant processes, for all other claims, an individualised and flexible process must be followed that is fair and lawful. All asylum decision making should be carried out on a case by case basis rather than via a 'blanket' approach based on nationality.
- If not already done, the government must immediately rescind the previous Ministerial instruction, identified by the Independent Chief Inspector of Borders and Immigration, that no more than 2% of Albanian claims should succeed, and make clear through training and guidance to asylum caseworkers that they must consider each claim on its individual facts and without regard to any arbitrary threshold for the number of claims of a particular nationality or type that should be granted.
- The policy statements in the CPINs on Albania should be reviewed and amended so that they properly reflect the underlying evidence on risk.
- No asylum claim should be certified (such as to remove a legal remedy), treated as inadmissible or as withdrawn or void prior to the individual being given access to proper legal advice and representation.
- Individuals must be able to fully participate in fair decision-making and appeals processes. This includes:
 - Access to properly funded legal aid and legal representation, with sufficient time for instructions to be taken and representations made.
 - Adequate time and funding to obtain evidence.
 - Adequate time and funding to obtain expert reports, including medical evidence, where needed.
 - Extensions of time where reasonably required by the individual
- All policy, guidance, systems and training relating to intake, registration, screening and substantive interviewing must be designed to enable the effective identification of survivors of torture and trafficking, and others from vulnerable groups who require additional support.