



Asylum seekers may have been wrongly deported to Albania

Gay people and trafficking victims may have been sent back to Albania after Home Office used outdated guidance despite appeal court ruling



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Hundreds of lesbian and gay asylum seekers, victims of trafficking and survivors of domestic violence may have been wrongly deported to Albania after courts and the Home Office relied on incorrect guidance, it has emerged.

In October 2011, the court of appeal ruled that the courts and the Home Office could no longer rely on expert evidence they had previously used, which stated it was safe to send these groups back to Albania. However, the Home Office and the courts continued to use this evidence for the next five years.

It is not clear why the Home Office or the courts ignored the court of appeal order made in 2011. The lawyers who brought the case said they had never before come across this situation, where the Home Office has in effect ignored a court of appeal ruling for five years.

A spokesman for the charity Asylum Aid said: "It is alarming that the Home Office has been making crucial decisions about the lives of asylum seekers based on incorrect information - a wrong decision means potentially returning vulnerable people to dangerous situations and it is vital the Home Office applies the law correctly and gets these things right the first time."

The errors made by the Home Office were highlighted in a ruling handed down by the court of appeal on Tuesday.

That case was examining broader issues relating to asylum claims made on the basis of sexuality brought by a gay 21-year-old Albanian man who cannot be named for legal reasons. It was rejected by the appeal court judges.

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Asylum Aid spokesman

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However, the judgment looked at the expert evidence from the immigration tribunal, which the Home Office must apply before making decisions about whether or not it is safe to send asylum seekers back to their countries.

In Tuesday's judgment, the judges report that the Home Office barrister in the case, Rory Dunlop, "concedes that the tribunals erred in relying on [the evidence]".

As a result, many Albanian victims of trafficking and domestic violence and those

who made asylum claims based on sexuality can lodge fresh asylum claims if they are still in the UK and their cases were rejected based on the expert evidence. Those who have been returned may have faced persecution after they arrived home.

Although the 21-year-old didn't win his case, he welcomed the disclosure that the Home Office has wrongly ignored the court of appeal ruling for the last five years and now hopes to take his case to the supreme court.

He said: "When I first started my case I had no lawyer and didn't understand anything about the process. I felt suicidal when my case was refused and believe that my life will be in danger if I'm sent back to Albania. What I've found out today about what the Home Office did has given me new hope for my case and I hope I can go to the supreme court now."

His solicitor, Vanessa Delgado of Duncan Lewis Solicitors, said: "It's so frustrating that so many Albanian asylum seekers have been let down since 2011 because the Home Office has behaved in this improper way. They have got dirt on their hands over these cases and have not acted correctly."

His barrister, S Chelvan of No5 Chambers, said: "Albania is one of the top 20 countries [from] where people claim asylum in the UK. Arguably, hundreds could have been adversely affected by the Home Office and courts' reliance on [the expert evidence] resulting in a clear miscarriage of justice."

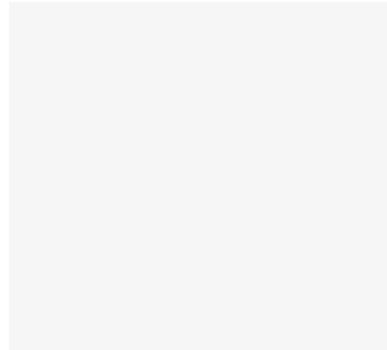
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