IN THE UPPER TRIBUNAL
IMMIGRATION AND ASYLUM CHAMBER

Case No: UI-2023-002630

First-tier Tribunal No: PA/54112/2021

THE IMMIGRATION ACTS

Decision & Reasons Issued:

On 10th of January 2024

Before

UPPER TRIBUNAL JUDGE STEPHEN SMITH

Between

FL (Albania)
(ANONYMITY DIRECTION IN FORCE)

Appellant

and

Secretary of State for the Home Department

Respondent

Representation:
For the Appellant: Mr A. Eaton, Counsel instructed by David Benson Solicitors Ltd
For the Respondent: Ms S. McKenzie, Senior Home Office Presenting Officer

Heard at Field House on 27 November 2023

Order Regarding Anonymity

Pursuant to rule 14 of the Tribunal Procedure (Upper Tribunal) Rules 2008, the appellant and her immediate family are granted anonymity.

No-one shall publish or reveal any information, including the name or address of the appellant, likely to lead members of the public to identify the appellant or any member of her immediate family. Failure to comply with this order could amount to a contempt of court.

DECISION AND REASONS

1. By a decision dated 19 June 2023, First-tier Tribunal Judge Hanes ("the judge") dismissed an appeal brought by the appellant, a female citizen of Albania born in

1972, against a decision of the Secretary of State dated 7 August 2021 to refuse her fresh claim for asylum. The judge heard the appeal under section 82(1) of the Nationality, Immigration and Asylum Act 2002 ("the 2002 Act"). The appellant now appeals against the decision of the judge with the permission to appeal of First-tier Tribunal Judge Buchanan.

2. The judge made an order for anonymity covering the appellant and her family. I maintain that order in light of the nature of the appellant's claim.

Factual background

3. The appellant arrived in the United Kingdom on 12 November 2014 clandestinely. She claimed asylum on 25 November 2014. The claim was refused on 19 May 2015 and certified as "clearly unfounded". On 26 October 2020 she made further submissions which were refused as a fresh claim by a decision dated 7 August 2021, thereby attracting a right of appeal. It was that decision that was under appeal before the judge below.

4. The appellant's claim for asylum was based on a blood feud with the B family. In 2002, her husband's brother, her brother in law, caused the death of a member of the B family in a car accident. That triggered a blood feud against the appellant and her husband. They went into hiding with their children, then aged 8, 6 and 4. Her husband fled Albania in 2003 and she has not heard from him since. She moved to another part of the country ("Area 1"), with her children, but the B family located them. She and her children remained in confinement in Area 1 until 2010, staying with her brother. By this time, her eldest sons were approaching the age when they would not enjoy the theoretical immunity from which the children of adults in blood feuds benefit. The appellant's brother arranged for them to leave the country. The appellant relocated with her brother to another part of the country ("Area 2"), with her youngest son. Again, the B family found them. As her youngest son became older, she worried that he too would be targeted. Her brother arranged for the appellant and her youngest son to travel to the UK in a lorry, and they arrived on 12 November 2014, and shortly after the appellant claimed asylum.

5. There are two decisions of the Secretary of State in these proceedings. In the first, dated 19 May 2015 ("Decision 1"), the Secretary of State took the appellant's case at its highest without considering any credibility points (see para. 17) but concluded that she did not have a well-founded fear of being persecuted. In light of the judge's reasoning and the ground of appeal, it is necessary to summarise certain aspects of Decision 1 in some depth:

    a. The appellant's fear of the B family was based on speculation. Although she claimed to be in self confinement from 2002 to 2014, the B family had never harmed her or any members of her family during that period, despite having "guarded" the three homes she claimed to live in during that 12 year period;

    b. Her children have been able to attend school without being harmed by the B family;

    c. Despite the claimed fear, her husband and two of her children were able to leave Albania by car without being harmed by the B family, even though, on the appellant's case, their house was continuously surrounded by the B family. When her husband and two sons left the home, they were not followed by the B family;

d. While the appellant claimed that her children had been threatened by the B family, the threats were not directed at her children, and, on the appellant's case, it was her brother who conveyed the threats said to have been made by the B family. The appellant had never seen the B family outside the family home, and had been vague and uncertain concerning their claimed presence outside;

e. Although the appellant claimed the B family were "strong", there was no evidence of the profile of the B family, or their level of power or influence within Albania, nor their ability to locate the appellant or her children within the country;

f. Although the appellant claimed that her children will be killed by the B family upon their return, she did not report any of the problems she experienced with the family to the police, nor seek assistance from a reconciliation committee or take other steps to mitigate the risk, despite claiming to have been in self confinement from 2002 to 2014;

g. It was not accepted that any fear the appellant had upon her return amounted to persecution. It was based on a fear of localised non-state agents, namely the B family;

h. The appellant would not be at risk from the B family upon her return. There had been no deaths since the alleged killing in 2002 which sparked the blood feud, and had been no reports to the police by any members of her family since the feud was allegedly commenced. The appellant herself was not the intended target of any blood feud, since she is female. On her own case, her male relatives with the targets. Kanun law prohibits the targeting of lone females, and, in any event, the B family had demonstrated no commitment to retaliation. It was not clear why the appellant had chosen to remain in confinement since, on her own case, women were not targeted, and children would not be targeted until reaching 16 years of age.

6. Decision 1 also concluded that the appellant would enjoy sufficiency of protection and Albania, and the potential internally to relocate. There was no evidence concerning the scope of the B family's claimed influence and abilities to pursue the appellant throughout Albania, and as a citizen of the country who had lived there for most of her life, the appellant would have the necessary strong social and cultural ties within the country which would assist when relocating, the decision concluded. Decision 1 also concluded that there were no human rights-based or other reasons militating in favour of a grant of leave to remain. Since the appellant's protection and human rights claim had been certified by Decision 1 as "clearly unfounded", it did not attract the right of appeal.

7. The appellant's further submissions dated 15 October 2020 were primarily based on the private life links she claimed to have established in the United Kingdom. She relied in addition on a medicolegal report from a Dr Azmathulla Khan Hameed, which summarised the appellant's claim for asylum, and concluded that she experienced a number of mental health conditions as a result of the trauma arising from the blood feud.

8. The further submissions were refused in Decision 2, which attracted a right of appeal. Decision 2 incorporated many of the points relied upon by Decision 1. At para 8 it said, with emphasis added:

> "The reason for refusal letter dated 19/05/15, rejected your claim for asylum and human rights' in its entirety, concluding that they **did not find your account credible** and were not satisfied that there would be a risk of persecution upon return to Albania." [sic throughout]

9. The remainder of the letter examined Dr Hameed's report. In summary, Decision 2 concluded that Dr Hameed's opinion was based entirely on the appellant's account. Dr Khan was not a witness to the events described by the appellant and his report did not demonstrate that the appellant had a well-founded fear of being persecuted.

10. The claim was refused. The appellant appealed, and the judge heard the appellant's appeal at Taylor House on 9 June 2023. She treated the appellant as a vulnerable witness (para. 3). The judge summarised the appellant's claim and Decisions 1 and 2 (paras 5 and 6), and the evidence considered at the hearing (paras 7 to 9). The judge's operative findings began at para. 10 with a summary of the *Kanun of Leke Dukagjinit*, referring to the relevant country guidance, *EH (blood feuds) Albania CG* [2012] UKUT 00348 (IAC).

11. Para. 11 of her decision addressed the credibility of the appellant's claim:

> "11. On the matter of the blood feud, this issue was addressed in the 2015 asylum decision which was relied upon in the 2021 decision. Her asylum claim was refused and certified as clearly unfounded on 19 May 2015. She has not provided further evidence in relation to this claim. The appellant's evidence is that she will not be killed as she is a woman but that she may be kidnapped or she will be required to live in self-confinement on return. The appellant is not a blood relative of her brother-in-law who she claims killed a member of the Brati family in a car accident which started the feud in 2002. There is no evidence before me of the Brati family having killed any male member of her husband's family or that any family members are currently living in confinement in Albania. She stated that her brother-in-law, husband and two sons left Albania. She was able to leave Albania with her son whilst she states she was living in confinement. After she left Albania in 2014, there are no reported incidents of anybody being injured or killed and she remains in touch with her brother and sisters. I am not satisfied that the appellant has addressed the reasons for refusal in the 2015/2021 decisions and I adopt these reasons myself. Furthermore I am not satisfied that the appellant's claims are credible. It is noted that the appellant's son who left Albania with the appellant to come to the UK did not appear at the hearing to give oral evidence or a supporting statement. There were inconsistencies in her account (noted in the RFRL) and further inconsistencies in the account she gave to the expert psychiatrists (below)."

12. The judge found that, in the alternative, even if the appellant had been the victim of a blood feud, she had neither reported her problems to the police, nor sought police protection. The judge concluded that the appellant would be able to relocate away from the area in which the feud was said to be triggered over 20 years ago. She said there was no evidence that the B family had any special influence, political or otherwise, or the means or the desire to locate the appellant, nor that they would be interested in doing so after more than 20 years. The judge said that she was not satisfied that the appellant had given reliable evidence as to why she left Albania, and found that she would be able to relocate

to a different area of the country, and that it would not be unduly harsh for her to do so. The judge noted that para 12 that the question of whether her relocation would be unduly harsh had to be assessed by reference to the appellant's mental health conditions, to which she said she would return later in her decision.

13. The judge dismissed the appeal on asylum grounds and concluded that nothing in the appellant's mental health conditions meant that she could not be returned to the country. The judge dismissed the appeal on human rights grounds.

Issues on appeal to the Upper Tribunal

14. As pleaded, there are two grounds of appeal, but they have distinct facets which would benefit from being articulated as individual propositions, reflecting the manner in which Mr Eaton advanced his submissions:

    a. Issue 1: by adopting the reasoning of Decisions 1 and 2, without adding further reasoning, the judge failed to give reasons for dismissing the appeal. She mischaracterised the Secretary of State's refusal letters as highlighting "inconsistencies" in the appellant's account when on a proper reading, neither letter did so, still less raise any credibility concerns. The judge failed to address the appellant's explanations for the "inconsistencies" raised by the Secretary of State;

    b. Issue 2: the judge failed properly to apply the Joint Presidential Guidance Note No. 2 of 2010 when assessing the credibility of the appellant's evidence, despite purporting to treat her as a vulnerable person;

    c. Issue 3: the judge failed to apply the guidance in *EH (Albania)* concerning sufficiency of protection, in light of the appellant's previously unsuccessful attempts to relocate internally;

    d. Issue 4: the judge failed to consider the Secretary of State's own acceptance of the appellant's medical diagnosis, nor the Secretary of State's acknowledgement that the medical provision in Albania was limited. The judge relied on her own flawed findings of fact in order to conclude that the medical reports could not be relied upon;

    e. Issue 5: the judge reached perverse conclusions which were unsupported by evidence regarding the likely family support available to the appellant upon her return to Albania. Although this point is raised in the grounds of appeal, Mr Eaton did not pursue it at the hearing.

15. Issues 1 to 3 were pleaded under ground 1; issues 4 and 5 were pleaded under ground 2.

Submissions

16. On behalf of the appellant, Mr Eaton submitted that Decision 1 did not highlight any credibility concerns arising from the appellant's account; the Secretary of State's critique of the appellant's claim was based on plausibility, not credibility concerns. Mr Eaton submitted that para. 8 of Decision 2 mischaracterised the analysis in Decision 1 as relating to the appellant's *credibility*, and the judge adopted and compounded that error at para. 11 of her decision. The appellant addressed the alleged inconsistencies in her witness statement, but the judge did not address or otherwise engage with her evidence, and did not, in practice,

apply the Joint Presidential Guidance Note No. 2 of 2010 when assessing the credibility of the appellant's case. The appellant could not enjoy sufficiency of protection since she had been located by the B family on several occasions, even when she moved.

17. As to the fourth and fifth issues (ground 2), Mr Eaton submitted that the judge failed to recognise that the Secretary of State had *accepted* Dr Hameed's conclusions, and erroneously reached her own conclusion on the issue, thereby failing to engage with the true issue, namely the availability of appropriate treatment. The Secretary of State accepted that there was only "limited" provision in Albania, yet the judge concluded that the appellant would benefit from appropriate treatment.

18. On behalf of the Secretary of State, Ms McKenzie submitted that the judge reached valid credibility findings, which she was entitled to reach on the evidence before her.

The law

19. The grounds of appeal challenge findings of fact reached by a first instance trial judge. Appeals lie to this tribunal on the basis of errors of law, not disagreements of fact. Of course, some findings of fact may feature errors which fall to be categorised as errors of law: see *R (Iran) v Secretary of State for the Home Department* [2005] EWCA Civ 982 at para. 9. Appellate courts and tribunals are to exercise restraint when reviewing the findings of first instance judges, for it is trial judges who have had regard to "the whole sea of evidence", whereas an appellate judge will merely be "island hopping" (see *Fage UK Ltd v Chobani UK Ltd* [2014] EWCA Civ 5 at para. 114). As Lady Hale PSC said in *Perry v Raleys Solicitors* [2019] UKSC 5 at para. 52, the constraints to which appellate judges are subject in relation to reviewing first instance judges' findings of fact may be summarised as:

> "…requiring a conclusion either that there was no evidence to support a challenged finding of fact, or that the trial judge's finding was one that no reasonable judge could have reached."

20. It is well established that the conclusion that a judge has given insufficient reasons will not readily be drawn: see *South Buckinghamshire District Council v Porter (No 2)* [2004] UKHL 33, at para. 36. See also *English v Emery Reimbold & Strick Ltd. (Practice Note)* [2002] EWCA Civ 605 at, for example, para. 118:

> "…an unsuccessful party should not seek to upset a judgment on the ground of inadequacy of reasons unless, despite the advantage of considering the judgment with knowledge of the evidence given and submissions made at the trial, that party is unable to understand why it is that the Judge has reached an adverse decision."

Issue 1: sufficient reasons for credibility findings

21. I have concluded that the first issue does not demonstrate an error of law for the following reasons.

22. First, a judge is, in principle, entitled to adopt the reasons given by the Secretary of State for refusing an asylum claim. As pleaded, the written grounds of appeal criticise the judge for relying wholesale on the Secretary of State's refusal letters "without further reasons" (see para. 2.1). That criticism is misconceived. There is no need for a judge to divine further reasons if the reasons given by the Secretary of State for refusing the claim were, in the judge's

opinion, sufficient. This approach is the paradigm example of preferring one party's case to another.

23. Secondly, properly understood and in any event, the judge gave sufficient reasons for rejecting the credibility of the appellant's claim which went beyond the reasons given relied upon across both decisions by the Secretary of State since they were based on the appellant's oral evidence. At para. 11, the judge gave the following reasons for rejecting the appellant's claim:

    a. The appellant had not provided further evidence in relation to the claim;

    b. The appellant is not a blood relative of her brother in law;

    c. There was no evidence of the B family having killed any male member of the appellant's husband's family, or that any family members were currently living in confinement;

    d. The appellant's brother in law, husband and two sons were able to leave Albania;

    e. The appellant herself was able to leave Albania at a time she claimed to be living in confinement;

    f. After she left Albania in 2014 there were no reported incidents of anybody being injured or killed, and she remains in touch with her brother and sisters;

    g. The judge was not satisfied that the appellant had addressed the reasons given by Decision 1 and Decision 2;

    h. The appellant's now adult son did not attend the appeal to give evidence in support of the claim, nor did he provide a supporting statement. The judge was not satisfied that the claim was credible.

24. Those were all findings that this first instance judge was entitled to reach. She had the benefit of considering the "whole sea of evidence". They were not findings that no reasonable judge could have reached.

25. Thirdly, the judge was entitled to characterise Decision 1's analysis of the appellant's claim as highlighting "inconsistencies" in her account. There was some discussion at the hearing before me as to whether that was a "slip of the pen" on the part of the judge, and whether she meant to characterise the Secretary of State's analysis in some other way, such as "implausibilities".

26. In my judgment, the judge plainly meant to use the term "inconsistencies" and was entitled to do so. As I have set out at para. 5, above, Decision 1 analysed the appellant's case without addressing her credibility; that is a structural feature of decisions of the Secretary of State certifying a claim as "clearly unfounded", since such claims must be taken at their highest when the certification power is used. That does not, however, prevent the Secretary of State from highlighting weaknesses – or inconsistencies – in a claim taken at its highest. That is what Decision 1 did.

27. For example, the appellant claimed to be at risk from the B family, but there had never been any harm or attempted harm. Her children were able to attend school. Her husband was able to leave the country, at a time when she claimed he was under the B family's guard. The appellant claimed the B family were "strong" but provided no examples of the scope or depth of their reach. The appellant claimed to be in fear of the B family but had not reported the family the

police, or otherwise sought reconciliation. Those are all inconsistencies in the sense of contradictions in the appellant's account; absent such inconsistencies in the appellant's account, one would, for example, expect there to have been harm or attempted harm by the B family, or to see examples of the scope and depth of the reach of the B family, or for the appellant's husband to have been unable to leave the country, or have expected the appellant to approach the police. The term "inconsistency" is not restricted in its application to situations where, for example, a witness changes his or her account, or says one thing on one occasion, and another later on.

28. Fourthly, I do not consider that the judge erred in her analysis of Decision 2 in respect of para. 8 (quoted above) which states that Decision 1 did not find the appellant's account to be "credible". It is right to say that Decision 1 did not reach conventional credibility findings as such, for the reasons addressed in the previous paragraph. But Decision 2 was entitled to characterise the analysis in Decision 1 in that way, in light of the overall analysis conducted in the round by Decision 2. Decision 2 went further than Decision 1 in that respect. Decision 2 was not a "clearly unfounded" decision, and so did not have to take the claim at its highest, in contrast to Decision 1. Whereas Decision 1 raised inconsistency-based concerns with the appellant's account when taken at its highest, Decision 2 was a rejection of the appellant's credibility. So much is clear when the materials upon which Decision 2 was based are examined. The only part of the appellant's fresh claim concerning her asylum claim was the report of Dr Hameed. His report accepted the appellant's narrative in its entirety and addressed the appellant's mental health conditions in that context. It was against that background that Decision 2 said that Dr Hameed's report was not independent support for the credibility of the appellant's asylum claim. See, for example, para. 14 of the report:

> "This report therefore does not act as sufficient evidence that those events described have occurred as you have claimed. **Furthermore, it is important to note that it is not for the medical professionals to comment on the <u>credibility</u> of your account.**" (Emphasis added)

29. See also para. 19, again with emphasis added:

> "Although it may be accepted that you are suffering from severe anxiety, major depressive and adjustment disorder, it cannot be accepted that Dr Azmathulla Khan Hameed has been able to confirm that your symptoms have derived from the alleged issues and concerns that you claim to have upon return to Albania. As highlighted above, Dr Azmathulla Khan Hameed has not witnessed any of the events, in which he has described in his report but is simply making a judgement, based of the version of events that you have informed him of. **It is therefore not considered that this medical report has demonstrated that you are at a real risk of persecution upon return**."

30. Para. 20 of Decision 2 also highlights the absence of additional evidence provided by the appellant since the initial refusal of her claim by Decision 1.

31. It is against that background that para. 8 of Decision 2 should be read. In any event, contrary to Mr Eaton's submissions, the judge did not ascribe particular significance to the way in which Decision 2 characterised Decision 1 as having

rejected the credibility of the appellant's account. As stated above, the judge used the term *inconsistencies*. She did not err in doing so.

32. Fifthly, there was no error in the judge's analysis of the appellant's witness statement. It is trite law that a judge need not address every point raised in a case. The judge *did* address the absence of new evidence concerning the appellant's asylum claim, which was an omission from the appellant's witness statement. That was plainly an observation the judge was entitled to reach; as the judge said at para. 11, the appellant had not provided any evidence of the B family having killed or targeted any persons in pursuit of the alleged blood feud, nor that any family members in Albania were currently living in confinement, nor that there had been any incidents since the appellant's departure from Albania in 2014. Mr Eaton has not criticised those findings. They were rationally open to the judge on the evidence she heard.

33. The appellant's witness statement did not provide an answer to those significant concerns, and to the extent it did seek to address some of the concerns of the Secretary of State, its attempts to do so did not present conflicts of fact or opinion which required express resolution. For example, at para. 13, the appellant explained that women and children would not be harmed as a result of a blood feud, in an apparent attempt to address one of the criticisms of her account in Decision 1. At para. 13 of her statement, the appellant said:

> "My children and I was able [sic.] to live without being harmed because my children were all young. As soon as they reached 17/18 years old, they left Albania to save their lives as their lives were in danger."

34. That did not address the criticism in Decision 1. If anything, it underlined and supported Decision 1's analysis, and nothing turns on the fact the judge did not expressly address this part of the appellant's written evidence. See para. 37 of Decision 1:

> "…you state your brother-in-law, husband and two older sons are no longer in Albania and your youngest son has not come of age, according to the Kanun law, to make him a suitable target for a blood feud. **It is considered that, in their absence, you still would not be a target for a blood feud given that you are a woman and the Kanun law prohibits the killing of women.**"

35. Similarly, para. 14 of the appellant's witness statement was incapable of taking matters further. In relation to why the appellant had not sought the assistance of the police, she said that the police had already contacted her brother in law in respect of the alleged road death, and that the police came looking for her brother in law. It is hardly surprising that the judge did not dwell on this passage in her decision; the police speaking to the driver of a vehicle that allegedly caused the death of another person is not the hallmark of police corruption, or a sign of the B family's influence. It is a normal step in any criminal investigation.

36. The remaining passages in the witness statement simply restate the appellant's case, without addressing the concerns of the Secretary of State. The judge did not fall into error by not expressly addressing them.

Issue 2: no error on account of the Joint Presidential Guidance Note No. 2 of 2010

37. The judge said at para. 3 that she would treat the appellant as a vulnerable witness pursuant to the Joint Presidential Guidance Note No. 2 of 2010. The

judge's decision was replete with references to the appellant's claimed mental health conditions; in the summary of her evidence (paras 7 and 8), when she listed the medical evidence (para. 9), when she referred to the fact the appellant had given accounts to the medical experts (para. 11), and when referring to internal relocation not being unduly harsh by reference to the appellant's mental health conditions (para. 12). At para. 14, the judge said that "I have taken into account the appellant's mental health and considered the reports of Drs Hameed and Adewusi…", which was clearly a reference to having considered those reports in the course of having analysed the appellant's credibility. For the reasons given by the judge at para. 18, she ultimately concluded that the medical reports relied upon by the appellant attracted little weight. In turn, that finding would have meant that in her overall analysis the judge would have calibrated her assessment of the appellant's credibility in a manner commensurate to her findings concerning the appellant's mental health.

38. The judge was a first instance judge conducting a multi-faceted evaluative assessment of the appellant's credibility. On appeal, this tribunal does not carry out that balancing task afresh, but instead "must ask whether the decision of the judge was wrong by reason of some identifiable flaw in the judge's treatment of the question to be decided, 'such as a gap in logic, a lack of consistency, or a failure to take account of some material factor, which undermines the cogency of the conclusion'" (see *Re Sprintroom Ltd* [2019] EWCA Civ 932 at para. 76). There is nothing to suggest that the judge's analysis was infected by reason of such an identifiable flaw.

Issue 3: no error on account of *EH (Albania)*

39. In light of the judge's primary findings concerning the claimed blood feud, which I have upheld, this ground falls away. It is, in any event, without merit. The judge summarised the guidance in *EH* in the following pithy terms, at para. 10:

> "The most recent country guidance before me is from the Upper Tribunal in the case of *EH* (replacing earlier country guidance). While there remain a number of active blood feuds in Albania, they are few and declining with a small number of deaths annually and a small number of adults and children living in self-confinement for protection. The Albanian state has taken steps to improve state protection but in areas where Kanun law predominates (particularly in northern Albania) those steps do not yet provide sufficiency of protection if an active feud exists. Internal relocation to an area of Albania less dependent on the Kanun may provide sufficient protection, depending on the reach, influence and commitment to prosecution of the feud by the aggressor clan."

40. Mr Eaton has not criticised that summary.

41. In light of the absence of evidence concerning the reach of the B family throughout Albania, the judge's conclusion that the appellant could relocate to Tirana (see para. 12) was rationally open to her and did not involve the making of an error of law.

Issue 4: analysis of the medical evidence was sound

42. This ground is without merit. The judge plainly accepted that the appellant experienced a number of mental health conditions, but for the reasons she gave, she attached less weight to the medical reports, and was therefore not compelled to accept the appellant's account.

43. I reject Mr Eaton's submission that the judge somehow went behind the Secretary of State's "acceptance" of the medical evidence. Decision 2's analysis of the medical evidence was equivocal ("although it *may* be accepted that you are suffering from severe anxiety…"), and the limited endorsement of the medical evidence that it represented was in the context of rejecting the medical evidence as supporting the appellant's protection narrative.

44. Moreover, as the judge reasoned at para. 14, the medical experts had not had access to the appellant's GP records when preparing their reports, and the experts were fully reliant on the appellant's account. From paras 15 to 19, the judge engaged in a detailed critique of the medical evidence. At para. 15 the judge demonstrated inconsistencies between the account the appellant gave to Dr Hameed, and the one she gave in evidence before her. At para. 18, the judge explained why the (incomplete, in view of the absence of GP records) medical evidence attracted little weight. She was entitled to reach that conclusion.

Issue 5: no perverse findings concerning in-country support

45. Mr Eaton did not pursue this ground. He was right not to do so. In the judge's summary of the appellant's evidence, she recorded that the appellant remained in contact with her family in Albania. She had spoken to her brother and two sisters in the weeks before the hearing. She speaks to her parents, who live with her brother. In light of this evidence, and the appellant's Albanian heritage including command of the language, the judge was rationally entitled to conclude that the appellant would be well-placed to secure whatever in-country assistance she would require in order to reintegrate upon her return.

Conclusion

46. I conclude by adopting the closing remarks of Lewison LJ in *Volpi v Volpi* [2022] EWCA Civ 464 at para. 65:

> "This appeal demonstrates many features of appeals against findings of fact:
>
> i) It seeks to retry the case afresh.
>
> ii) It rests on a selection of evidence rather than the whole of the evidence that the judge heard (what I have elsewhere called "island hopping").
>
> iii) It seeks to persuade an appeal court to form its own evaluation of the reliability of witness evidence when that is the quintessential function of the trial judge who has seen and heard the witnesses.
>
> iv) It seeks to persuade the appeal court to reattribute weight to the different strands of evidence.

v) It concentrates on particular verbal expressions that the judge used rather than engaging with the substance of his findings."

47. This appeal is dismissed.

Notice of Decision

This appeal is dismissed.

The decision of Judge Hanes did not involve the making of an error of law.

Stephen H Smith

Judge of the Upper Tribunal
Immigration and Asylum Chamber

30 December 2023