IN THE UPPER TRIBUNAL
IMMIGRATION AND ASYLUM CHAMBER

Case No: UI-2024-000188
On appeal from: IA/03034/2021

THE IMMIGRATION ACTS

Decision & Reasons Issued:
On the 25 September 2024

Before

UPPER TRIBUNAL JUDGE GLEESON
UPPER TRIBUNAL JUDGE NEVILLE

Between

I X
(ANONYMITY ORDER MADE)

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Mr Matthew Moriarty of Counsel, instructed by Milestone Solicitors
For the Respondent: Ms Susana Cunha, a Senior Home Office Presenting Officer

Heard at Field House on 19 August 2024

Order Regarding Anonymity

Pursuant to rule 14 of the Tribunal Procedure (Upper Tribunal) Rules 2008, the appellant has been granted anonymity, and is to be referred to in these proceedings by the initials I X. 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.

Failure to comply with this order could amount to a contempt of court.

DECISION AND REASONS

Introduction

1. The appellant challenges the decision of the First-tier Tribunal dismissing his appeal against the respondent's decision on 2 March 2021 to refuse him international protection pursuant to the Refugee Convention or leave to remain on human rights grounds. The respondent considered that he had committed a serious non-political crime in Albania (the murder of his wife) and that he was excluded from refugee status pursuant to Article 1F(b) of the Refugee Convention.

2. The appellant is a citizen of Albania and claims to be involved in a blood feud: he says that his wife's family have told him that they want to kill him and have tried to harm his brother in Albania, on three occasions, because the appellant was not available to them. There have been no killings apart from that of the appellant's wife.

3. This appeal has now been heard twice in the First-tier Tribunal. The current appeal is against the decision of Judge Young-Harry on 18 September 2023.

4. For the reasons set out in this decision, we have come to the conclusion that the appellant is excluded from international protection under Article 1F(b) and that his removal to Albania would not breach the UK's international obligations under the European Convention on Human Rights and Fundamental Freedoms (ECHR).

Procedural matters

5. **Mode of hearing.** The hearing today took place face to face.

6. **Vulnerable appellant.** The appellant is a vulnerable person and was so treated by the First-tier Judge, in accordance with the Joint Presidential Guidance No 2 of 2010: Child, Vulnerable Adult and Sensitive Appellant Guidance.

7. Mr Moriarty told the Tribunal that no adjustments would be necessary for the appellant to give his oral evidence except that he should be asked clear and straightforward questions, which was done.

Background

8. The main basis of the appellant's case is that he fears reprisals at the level of a blood feud from his late wife's family in Albania.

9. The appellant's wife died in 2003 from a knife cut to her neck, which the appellant does not deny having caused. The appellant maintains that her death was an accident, which happened during a marital altercation following an attempt by his wife to poison his food and her picking up a knife to stab him. He says he cut her neck with the knife by accident.

10. The Albanian criminal courts did not accept that account: on 24 February 2004, the appellant was convicted of murdering his wife and sentenced to 18 years imprisonment, later reduced to 12 years. His appeal against conviction was rejected at the Court of Appeal and Supreme Court levels.

11. On 26 August 2013, the appellant was released from prison having served 9½ years of his 12 year sentence. He left Albania via Italy, arriving in the UK on 23 October 2013.

12. The appellant's account is that his brother, who remains in Albania, was attacked on three occasions between 2004 (just after his wife's death) and 2012, by her family members. There is no corroborative evidence from his brother or from press reports or police records.

First-tier Tribunal decision

13. On 22 July 2022, when remitting the decision to the First-tier Tribunal, the Upper Tribunal found that the appellant was excluded from Refugee Convention protection pursuant to Article 1F(b) (serious non-political crime committed outside the country of refuge before admission). That finding was preserved and First-tier Judge Young-Harry considered the appeal under Articles 3 and 8 ECHR.

14. The First-tier Judge made contradictory findings on whether there was credible evidence of the existence a blood feud. She found that the appellant had not shown that there was no sufficiency of protection in Albania. The appellant had not developed any family life in the UK and the Judge considered that such private life as he had was not sufficient to outweigh the public interest.

15. The appeal was dismissed under both Article 8 and Article 3 ECHR. The appellant appealed to the Upper Tribunal.

Error of law

16. Upper Tribunal Judge Kopieczek set aside the decision of the First-tier Tribunal for error of law, finding that the First-tier Judge had fallen into error by failing to determine first whether there was a risk in the home area before going on to consider whether there was sufficiency of protection in Albania as a whole and/or whether internal relocation would avail him.

17. Judge Kopieczek considered that the First-tier Judge's findings on blood feud were irrational and unsustainable.

18. The appeal was retained for remaking in the Upper Tribunal, limited to the protection afforded to him under the ECHR. We are not seised of any challenge to the exclusion findings under Article 1F(b).

Preserved findings

19. Judge Kopieczek ordered the following findings of fact to be preserved:

    (a) The Albanian courts found the appellant to have murdered his wife, and that her death was not an accident;

    (b) The wife's family are displeased with the appellant following his conviction for her murder and may be minded to avenge her death;

    (c) The appellant had not shown that the Albanian courts were influenced in their decision by his wife's family or that the wife's family have any link, connection or influence over the Albanian authorities;

    (d) There was no credible evidence that the appellant's family in Albania, his mother and siblings, are or have been living in self-confinement;

    (e) There was no credible evidence that the wife's family would be able to locate the appellant if he returned to Albania and lived in an area away from where that family resided;

    (f) There was no credible evidence that the appellant's brother was attacked by the wife's family; and that

    (g) The appellant had mental health issues for which he would need ongoing support and assistance on return to Albania, including medication and other therapies and intervention as suggested in Dr Hameed's report.

20. The blood feud findings by the First-tier Judge are not preserved and are to be remade.

21. That is the basis on which this appeal came before the Upper Tribunal for remaking.

Country guidance: *EH (blood feuds) Albania CG* [2012] UKUT 00348 (IAC)

22. In *EH (Albania)*, the Upper Tribunal set out the evidential requirements to show that a person is at risk on return from a blood feud or an 'active blood feud', the terms being used interchangeably in the decision itself:

    "6. In determining whether an active blood feud exists, the fact-finding Tribunal should consider:

    (i) the history of the alleged feud, including the notoriety of the original killings, the numbers killed, and the degree of commitment by the aggressor clan toward the prosecution of the feud;
    (ii) the length of time since the last death and the relationship of the last person killed to the appellant;
    (iii) the ability of members of the aggressor clan to locate the appellant if returned to another part of Albania; and
    (iv) the past and likely future attitude of the police and other authorities towards the feud and the protection of the family of the person claiming to

be at risk, including any past attempts to seek prosecution of members of the aggressor clan, or to seek protection from the Albanian authorities.

7. In order to establish that there is an active blood feud affecting him personally, an appellant must produce satisfactory individual evidence of its existence in relation to him. In particular, the appellant must establish:

(i) his profile as a potential target of the feud identified and which family carried out the most recent killing; and
(ii) whether the appellant has been, or other members of his family have been, or are currently, in self-confinement within Albania.

8. Attestation letters from Albanian non-governmental organisations should not in general be regarded as reliable evidence of the existence of a feud. …"

23. That is the starting point for consideration of whether the appellant is at risk on return by reason of the blood feud alleged in this appeal.

Remaking hearing

24. The oral and written submissions at the hearing are a matter of record and need not be set out in full here. We had access to all of the documents before the First-tier Tribunal and in addition we heard oral evidence from the appellant. There was no new documentary evidence: the parties relied on the bundles produced for the First-tier Tribunal.

Appellant's evidence

25. The appellant had not prepared an updated witness statement. He gave evidence with the help of an Albanian interpreter.

26. The appellant adopted his First-tier Tribunal witness statements, comprising an initial undated statement and an updated witness statement dated 12 September 2023. In his initial statement he said that the criminal proceedings in Albania were based on 'a botched up investigation carried out by corrupt police' and maintained that he had not killed his wife.

27. The appellant had 'committed suicide' twice, and only been saved by friends in the UK, of whom he had a wide array. He received both emotional and financial support from those friends. He had serious mental health problems as set out in Dr Hameed's report.

28. The appellant asserted that he would not be able to access adequate treatment or medication if returned to Albania. He would be destitute: unemployment was on the rise in Albania and was exacerbated by the pandemic. The appellant asserted that he had a private and family life in the UK and that his appeal should be allowed on that basis, taken with his long residence and 'my compassionate and exceptional circumstances'.

29. In his second witness statement signed on 12 September 2023, the appellant said that all of the evidence produced in his appeal had been brought with him: he had no contact with the Albanian authorities since his arrival, because he feared them. The opposing family were closely connected with people in power and people in the police force.

30. The appellant had not reported their threats to the police: the police took no interest and did not intervene in blood feuds. He could not put forward further evidence from the Albanian authorities, because he could not request it without being present in person: if he asked a family member to obtain the evidence, this would put them at risk.

31. In answer to supplementary questions from Mr Moriarty, the appellant said that his father died 25 years ago. His mother died in October 2023, after the First-tier Tribunal hearing. His brother lives in Durres, with his own family: he has a wife and three children, two daughters aged 26 and 21 (or 22) and a 15-year-old son. The appellant had not seen his brother since leaving Albania in 2013, but they were in touch by telephone. His brother was unemployed and living in self-confinement. His brother's living conditions were very hard. The other family were still after him.

32. The appellant said he had no other family members in Albania.

33. In cross-examination, the appellant said that he was living with his maternal cousin, his maternal uncle's son, who stood surety for him when he was granted bail. He had never had to work in the UK. His maternal uncle lived in the UK and he and the cousin returned regularly on holiday to Tirana, where their Albanian home was located. His maternal uncle was originally from Bulqize but had bought a house in Tirana.

34. When in Albania, the appellant worked in Bulqize, Diber, in a chromium mine. Albania was a small place, things were different there. The opposing family would be able to trace him, wherever he was.

35. The appellant's brother, who is his only relative in Albania, had a wife and three children. They had moved from Bulqize to Durres, about an hour's drive away, because they did not want to keep coming face to face with the opposing family.

36. His brother built his Durres family home himself, in 2007/2008, with the help of his wife's brother. In 2008, the other family put explosives the Durres house, which went off, injuring the appellant's brother and nephew. The appellant was still in prison then. His brother was 'in a very bad state'. The police and an ambulance turned up and they were taken to hospital. The police had not found out who did it.

37. His brother had repaired the cracks in the Durres house; part of the house had to be rebuilt. The family still moved in because they had nowhere else to go. The wife's brother no longer helped the family.

38. The appellant said that his brother was financially supported by his wife's family, because he was not working. The appellant's sister-in-law worked for an Italian factory in Durres, travelling to work in the company van. His sister-in-law did return to Bulqize from time to time, but did not take their children unless using a private car.

39. His brother's elder daughter, the appellant's niece, was now 26. She had given up her studies, dropping out of university three years ago. The appellant thought she had been studying journalism. His niece was not working: she was married now and lived in Durres with her husband's family. The couple had met just a year ago and married soon after. The marriage was registered. His niece's husband had been living in Germany but had recently returned to Albania and they had a child, born in May or June 2024.

40. The appellant's younger niece was not at university either. She was unemployed and living on state benefits. She had never worked, but was looking for work: her living conditions were said to be 'very hard'.

41. His nephew, his brother's son, was 15 now. He was in secondary school and walked there alone each day. It was not safe for his brother to accompany him.

42. Killings happened every day in these sorts of cases. The Albanian state was corrupt and there was no justice there. The appellant said that he had no evidence from the police in Albania, because there was no justice there. His brother had reported everything that had happened to them. He said that he had told the truth.

43. The rest of his family could not get out of Albania: his brother was self-confined, leaving home only on very rare occasions. It was the appellant whom the opposing family wanted to kill.

44. The appellant did not leave the house much in the UK, except to get his depression medication from the chemist each week. Sometimes his cousin paid for it and sometimes his uncle's wife collected it for him.

45. The appellant was then asked some questions about the date of his release from prison. He stated that it was at the end of August 2013. He had submitted documents to confirm the date of his release. He served his time in Burrel, Albania.

Dr Hameed's report

46. We have considered the medico-legal report of Dr Azmathulla Khan Hameed, Consultant Psychiatrist, MBBS MRCPsych PG Dip Clin Edu, who interviewed the appellant virtually on 20 August 2021 and had background information, limited to instructions from the appellant's solicitor, and the appellant's witness statement. He did not have the appellant's GP notes available to him.

47. Dr Hameed considered the appellant to have an Adjustment Disorder as classified in the WHO ICD-10 at [F43.22]. Antidepressant medication had been started and should continue. The appellant was not fit to travel in his current state, and was likely to put himself and others at significant risk if he were to be returned to Albania. He might put others at risk in an attempt to prevent his deportation, by becoming 'severely agitated, aggressive and extremely disruptive in flight' and would be unable to guarantee his own safety during removal.

48. Separating the appellant from his social networks in the UK would make things worse for him. The appellant denied having any suicidal ideation but should continue to attend the GP to be referred for psychological therapies, and to monitor his mental health, progress and response to treatment.

49. There is no updated report from Dr Hameed.

GP records

50. The GP records in the bundle also stop in 2021 and show the GP practice dealing with the appellant with the assistance of telephone interpretation. He received prescriptions for antidepressants between 2019 and 2021. In April 2021 he had a urinary infection, for which he received antibiotic treatment.

51. There are several references to the appellant having a preference for only core items to be included in his summary care record, but that this has been overridden and additional items included. There is no explanation of the relevance of this.

52. There is no GP evidence after April 2021.

Letters of support

53. The appellant produced a number of letters of support from friends of his, all British citizens, and all dated between 16 and 18 August 2021. At that time:

    (a) **Mr Vesel Sadria** said he was 'a very good friend for a period of five years' and that he was a 'loyal, honest, considerate and very supportive [friend];
    (b) **Mr Granit Caushaj** said that he had known the appellant in Albania and for 8 years in all. He was a very good friend to Mr Caushaj's family, 'a very kind, friendly man who would do anything to help others';
    (c) **Mr Perparim Gjongeraj** said that he had known the appellant for two years, that they had met many times, and that the appellant was 'a very good man, very polite, very respectful, hardworking and very helpful if ever in need'. He considered that if allowed to remain, the appellant would contribute 'in a very positive way to our society';

(d) **Mr David Coli** said that the appellant was a family friend, and very friendly with everyone. His three children love the appellant and call him uncle: when he comes to Mr Coli's house, they are very happy and love to play with him;

(e) **Mr Colin Griffiths** said that he had known the appellant for 6 years. The appellant and his family had always been very friendly and welcoming to him, 'sharing their time and company when I have needed support of a friend'. He could trust the appellant to help him when he needed it and 'I hope he knows that I will always try to help him and his family too';

(f) **Mr Ian David Griffiths** said he had always found the appellant to be 'friendly and approachable', a gentleman, committed to his family, who regularly looks out for friends and colleagues alike. He is 'a pleasant person, whom we are honoured to know'; and

(g) **Mr Ian Griffiths** and **Ms Sharon Griffiths** in a joint letter said the same as Mr Ian David Griffiths. It is not clear whether Mr Ian David Griffiths and Mr Ian Griffiths are the same, or different, people.

54. None of these persons gave evidence before us and we therefore had no opportunity to resolve the conflict between the evidence of members of the Griffiths family who referred to the appellant having a family, presumably his uncle and cousin, and that of the other four witnesses, who did not. Nor is it clear whether any of them are aware of his criminal history.

55. We are unable to place much weight on these letters.

Other documents

56. The appellant produced an untranslated Albanian court decision dated 24 February 2004 and a certificate of blood feud dated 4 November 2013. We do not read Albanian and thus no information in the court decision is available to us.

57. The certificate of blood feud, which is translated, asserts that despite the intervention of village elders in Dushaj, Bulqize, peace and reconciliation has not been possible. It is signed by Mr Nikoll Shullani, who helpfully provides his mobile number and his IBAN bank account number, and by Mr Mustaf Daja, head of the association, who only provides his mobile number.

58. The appellant was asked about these documents in his asylum interview. He told the immigration officer that he obtained the blood feud document on 4 December 2013, and that his brother got the documents by some legal means. The document is an odd one, and is provided only in translation. It records that the appellant requested the blood feud confirmation: the date of the blood feud document is given as 4/11/2013, but the appellant confirmed in evidence that on that date, he was already in the UK. We are unable to place much weight on this document.

59. The respondent relied on a document verification report from the British Embassy in Tirana dated 19 June 2020. Checks undertaken with the Albanian Interior Ministry confirmed the appellant's place of birth (Dushaj, Diber, Albania) and that he is the holder of an Albanian biometric passport which expired on 3 September 2023. He left Albania by ferry on 9 October 2013 to travel to Bari in Italy and is not recorded as having re-entered Albania.

60. The appellant was sentenced under Article 76 of the Albanian Penal Code for pre-meditated murder (18 years), reduced under Article 406 to 12 years. He appealed unsuccessfully to the Tirana Court of Appeal and the Albanian Supreme Court and was appeal rights exhausted on 21 January 2004.

61. The appellant served his prison sentence and according to the document verification report was released in 2010, some three years before he left Albania. He went to live in Durres.

62. His late wife's family and her children were living in Greece, not Albania, and the families were estranged.

Submissions

63. The oral and written submissions at the hearing are a matter of record and need not be set out in full here. We had access to all of the documents before the First-tier Tribunal and in addition to the documents in the consolidated bundle filed by the appellant. There was no new evidence except the appellant's oral evidence set out above. Mr Moriarty had prepared a skeleton argument on behalf of the appellant: there was no skeleton argument for the respondent.

64. For the respondent, Ms Cunha reminded us of the preserved findings. The only issue for us was whether there was a blood feud in the appellant's home area, and the reach of the opposing family. She asked us to find the appellant's oral evidence to be unreliable and that the alleged blood feud was not established.

65. If the appellant had been released in 2010, as the British Embassy document verification report appeared to suggest, then he had lived for three years in Albania without being attacked before coming to the UK. Alternatively, if he had left immediately, then even if there was a risk in his home area, internal relocation to Tirana would be sufficient to protect him. She reminded us that his maternal uncle and cousin had an apartment there which he could use.

66. The evidence of the appellant's depression was out of date but in any event, his younger niece was receiving state benefits and would be free to help support him on his return to Albania if needed. Article 3 ECHR was not engaged as there was no real risk of serious harm to the appellant on return to Albania.

67. As regards Article 8 ECHR, although the appellant was close to his uncle and cousin, that was not a closeness which reached the level of family life. All of them were adults and the *Kugathas* level of dependency was not asserted or met.

68. Ms Cunha asked us to dismiss the appeal.

69. For the appellant, Mr Moriarty relied on his skeleton argument. The appellant's account of his experiences in Albania was 'entirely open and honest' and in the application of the lower standard of proof applicable to international protection claims, he should be given the benefit of the doubt.

70. Mr Moriarty argued, erroneously we find, that in remaking the Upper Tribunal was required to reopen the issue of whether the appellant should be excluded from Refugee Convention protection pursuant to Article 1F(b), given the crime committed in Albania. That finding was expressly preserved when the appeal was remitted to the First-tier Tribunal and we are not seised of it today.

71. If the appellant was excluded and only the ECHR was engaged, then Mr Moriarty contended that we should consider whether there was a real risk of death or serious harm on return, amounting to a breach of Articles 2 and 3 ECHR.

72. In the alternative, viewing the appellant's circumstances holistically, the Tribunal was required to decide whether his removal would be a disproportionate interference with his Article 8 ECHR private and family life rights.

73. In oral submissions, Mr Moriarty argued that to the appropriate lower standard, the appellant's evidence should be treated as credible and reminded us that the opposing family had been found to be 'displeased' with the loss of his wife at the appellant's hands and might well be minded to take revenge. He contended that the information obtained by the British Embassy in the document verification report suggesting that the appellant had spent three years in Albania before leaving for the UK appeared nowhere else in the documents and that departure in 2013 was consistent throughout the rest of the appellant's evidence.

74. Mr Moriarty took us to passages in the fact-finding mission which indicated that most of the active blood feuds (now very few in number) were in Shkoder or Diber. If there was a risk in the home area, internal relocation would not avail the appellant for long. His uncle's house or flat in Tirana would be only a short term solution.

75. The respondent's own CPIN confirmed difficulty with mental health access in Albania and Dr Hameed's report considered that the appellant might be unable to engage with such support as was available.

Discussion

76. We have considered what weight we can give to the appellant's oral evidence and his account of his circumstances. We consider that the application of Article 1F(b) was correct, given the circumstances of his conviction, but as already stated, we are not seised of that issue.

77. The principal issue for us is whether there is a blood feud at all, which we consider by reference to Articles 2 and 3 ECHR. We do not find that there is. There has been only one death, which the Albanian courts found to be the premeditated murder of his wife by this appellant. There is no reliable evidence to support the appellant's account of the difficulties his brother is said to have experienced, or that the brother and nephew are in self-confinement. The blood feud certificate is a curious document which we do not regard as reliable evidence of the feud asserted.

78. The family members of the appellant's late wife are now living in Greece, not in his home area. On that basis, there is no risk in his home area.

79. Even if there is such a risk, the appellant has accommodation available in Tirana, which his UK-based maternal uncle and cousin use regularly, without coming to harm.

80. The July 2024 CPIN asserts, applying the evidence obtained in its 2022 fact-finding mission, that the Upper Tribunal's findings in *EH (Albania)* are out of date and that there is both sufficiency of protection and a viable internal relocation now within Albania. The information gathered in the 2022 fact-finding mission supports that contention and the appellant has produced no evidence in rebuttal, apart from his own assertion.

81. At 3.1.1-3.1.7, the CPIN summarised the legal context, based on statutory changes to Albanian law in 2013, whereby blood feud killings carry a minimum 30-year sentence and forcing a person into self-confinement or inciting retaliation or blood revenge carry a sentence of 3 years, even if no other criminal offence has been committed.

82. The CPIN notes that since 2012, the number of blood feuds in Albania has continued to decline, asserting in the executive summary that 'in general, a person fearing an active blood feud is not likely to be at risk of persecution or serious harm' because the state was able and willing to offer domestic protection and internal relocation was likely to be a viable option for protection. Statistics on blood feuds are provided at [7] *passim.* At [5.4.7], the report shows that the number of blood feud deaths has dropped from 45 in the whole country in 1998 to 2 in 2022, the most recent year for which statistics are available. Only one blood feud has been investigated in Diber, in 2020. The police have been willing to make arrests and to prosecute: see [7.1.10].

83. The appellant's Article 3 claim is hopeless.

84. We considered therefore whether Article 8 ECHR avails him. There is no up to date medical evidence. Dr Hameed saw the appellant remotely in 2021, at the height of the pandemic, and without his GP notes. We remind

ourselves of the guidance given by the Upper Tribunal in *HA (expert evidence, mental health) Sri Lanka* [2022]UKUT 111 (IAC):

> *"(1) Where an expert report concerns the mental health of an individual, the Tribunal will be particularly reliant upon the author fully complying with their obligations as an expert, as well as upon their adherence to the standards and principles of the expert's professional regulator. When doctors are acting as witnesses in legal proceedings they should adhere to the relevant GMC Guidance.*
>
> *(2) Although the duties of an expert giving evidence about an individual's mental health will be the same as those of an expert giving evidence about any other matter, the former must at all times be aware of the particular position they hold, in giving evidence about a condition which cannot be seen by the naked eye, X-rayed, scanned or measured in a test tube; and which therefore relies particularly heavily on the individual clinician's opinion.*
>
> *(3) It is trite that a psychiatrist possesses expertise that a general practitioner may not have. A psychiatrist may well be in a position to diagnose a variety of mental illnesses, including PTSD, following face-to-face consultation with the individual concerned. In the case of human rights and protection appeals, however, it would be naïve to discount the possibility that an individual facing removal from the United Kingdom might wish to fabricate or exaggerate symptoms of mental illness, in order to defeat the respondent's attempts at removal. A meeting between a psychiatrist, who is to be an expert witness, and the individual who is appealing an adverse decision of the respondent in the immigration field will necessarily be directly concerned with the individual's attempt to remain in the United Kingdom on human rights grounds.*
>
> *(4) Notwithstanding their limitations, the GP records concerning the individual detail are a specific record of presentation and may paint a broader picture of his or her mental health than is available to the expert psychiatrist, particularly where the individual and the GP (and any associated health care professionals) have interacted over a significant period of time, during some of which the individual may not have perceived themselves as being at risk of removal.*
>
> *(5) Accordingly, as a general matter, GP records are likely to be regarded by the Tribunal as directly relevant to the assessment of the individual's mental health and should be engaged with by the expert in their report. Where the expert's opinion differs from (or might appear, to a layperson, to differ from) the GP records, the expert will be expected to say so in the report, as part of their obligations as an expert witness. The Tribunal is unlikely to be satisfied by a report which merely attempts to brush aside the GP records. ….*"

85. The medical evidence before us is three years out of date and based solely on the solicitors' instructions and the appellant's account, without access to the GP records. It tells us little about the appellant's current mental health or engagement with the treatments available in the UK.

86. The appellant lives with his maternal cousin, but there is no evidence from that cousin or his maternal uncle, and nothing to indicate that the levels of dependency are more than those appropriate between adult relatives.

87. Article 8(1) is not engaged and the question of the proportionality of this appellant's removal under Article 8(2) does not arise. If we are wrong about that, given the paucity of the medical evidence and the availability of other relatives in Albania, we find that the appellant's removal to Albania would be proportionate.

88. For all of the above reasons, this appeal is dismissed.

Notice of Decision

89. For the foregoing reasons, our decision is as follows:

The making of the previous decision involved the making of an error on a point of law.
We set aside the previous decision. We remake the decision by dismissing the appeal.

Judith Gleeson
Judge of the Upper Tribunal
Immigration and Asylum Chamber

Dated: 19 September 2024