



**Upper Tribunal
(Immigration and Asylum Chamber)**

Appeal Number: PA/11281/2017

THE IMMIGRATION ACTS

**Heard at Field House
On 21 September 2021**

**Decision & Reasons Promulgated
On 25 February 2022**

Before

UPPER TRIBUNAL JUDGE CANAVAN

Between

**M C
(ANONYMITY DIRECTION MADE)**

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Anonymity

Rule 14: The Tribunal Procedure (Upper Tribunal) Rules 2008

Anonymity was granted at an earlier stage of the proceedings because the case involves protection issues. I find that it is appropriate to continue the order. Unless and until a tribunal or court directs otherwise, the appellant is granted anonymity. No report of these proceedings shall directly or indirectly identify her or any member of her family. This direction applies both to the appellant and to the respondent.

Representation:

For the appellant: Ms E. Sanders, instructed by Oliver & Hasani Solicitors

For the respondent: Ms J. Isherwood, Senior Home Office Presenting Officer

DECISION AND REASONS

1. The appellant appealed the respondent's decision dated 18 October 2017 to refuse a protection and human rights claim.
2. The First-tier Tribunal dismissed the appeal in a decision promulgated on 25 October 2019. The Upper Tribunal concluded that the decision involved the making of an error on a point of law and set it aside in a decision promulgated on 06 April 2020 (annexed). The appeal was listed for a resumed hearing in the Upper Tribunal to remake the decision.
3. The appellant was treated as a vulnerable witness. She gave evidence with the assistance of an Albanian speaking interpreter. The oral evidence and the submissions made by the parties are a matter of record. I will refer to the relevant parts in my findings.

Decision and reasons

4. At the centre of the appellant's claim is her account of being groomed and trafficked by a man called 'A'. She met A in 2011 and described meeting him a handful of times. There was conflict with her parents when they wanted to arrange a marriage to another man. A refused to ask her parents for her hand in marriage. The appellant's parents arranged for her to marry a man called 'J' in August 2013. She says that J's mother found out about her previous relationship with A in December 2013. As a result, she was asked to leave J's family home. Her parents refused to accept her back, so she went to stay with a female friend called 'V' in Tirana.
5. The appellant says that she re-established contact with A while she was in Tirana. A few days later she was drugged and 'sold' to friends of A who forced her to work as a prostitute for around 16 months. She was taken to Italy for a short period but was returned to Albania. The appellant says that she was forced to see seven or eight clients a night. In fact, what she was describing was being repeatedly raped and brutalised over a prolonged period. She also described being beaten when she tried to escape to the extent that she had a dislocated jaw. The appellant said that she was finally able to escape in March 2015. She was permitted to take a client out to a hotel. The client was drinking heavily and fell asleep. She had some money and her ID card with her and was able to leave the hotel. The appellant went to her parents for help, but they rejected her again. She had no choice but to return to stay with her friend V.
6. The appellant contacted J and they discussed starting over without his parents. She did not tell him what had happened to her in the intervening period. J would come to visit her at V's house. He suspected that there was something wrong because she would not leave the house. The appellant claims that her mother reported that two men came to her family home asking about her in June 2015. She believes that they were the people who exploited her. She does not know how, but J later found out that she had been forced to work as a prostitute. She claims that he rejected her. She was pregnant at the time, but J did not know. V said that she could not stay at the house any longer. V's brother helped her to make

arrangements to leave the country. The appellant left Albania in July 2015 and travelled to the UK by an illegal route.

7. The decision letter raised various issues relating to the credibility of the appellant's account, which highlighted minor inconsistencies and asserted that the description of her escape from her traffickers was not plausible. Although Ms Isherwood relied on the decision letter, at the hearing, she acknowledged that the appellant's account of trafficking was broadly consistent with the background evidence relating to Albania and focussed her submissions on the credibility of more recent aspects of the appellant's evidence.
8. I am satisfied on the low standard of proof that the core aspect of the appellant's account relating to her experience of being trafficked in Albania is likely to be credible. Her description of being groomed by A by pretending to establish a relationship with her is consistent with the methods known to be used by traffickers in Albania and is supported by the background and expert evidence.
9. I am satisfied that the appellant has been diagnosed as suffering from Post-Traumatic Stress Disorder (PTSD) by more than one doctor, which is also supportive of her account of having suffered traumatic experiences of the kind she has described. The appellant was assessed by Dr Pranveer Singh, a consultant psychiatrist, on 07 October 2020. His assessment was based on the history given by the appellant and his own clinical findings and observations. He observed a reluctance to talk about traumatic experiences and noted that she 'struggled to talk' when she was talking about A. She also 'appeared visibly distressed' when talking about being 'sold' to A's friends. She said that she felt sick when asked about being forced to work as a prostitute. She described having suicidal thoughts and often felt that it is not worth living. She told Dr Singh that she was fearful that people would force her to return to prostitution by controlling her children if she returned to Albania. Dr Singh also diagnosed the appellant as suffering from chronic PTSD with moderate symptoms. He considered that it was more likely than not that this was a result of her experience of forced prostitution.
10. Dr Singh took into account the appellant's past history of suicidal ideation. He noted that she felt safe in the UK and that her children were a protective factor. However, in his opinion, the prospect of removal to the place of her original trauma was likely to increase her PTSD symptoms. She would become fearful about her safety and the wellbeing of her children. It would place at her risk of severe and prolonged PTSD. In his opinion there is likely to be a 'significant deterioration' in her mental health if returned to Albania, which would reduce her ability to continue to support her children effectively.
11. The Home Office interview record noted that the appellant became visibly upset at key points in her account. This is also consistent with descriptions in her medical notes when she was asked to discuss the details of traumatic events. Although it is important not to place too much weight on

the demeanour of a witness, at the hearing, the appellant had an obvious and visceral reaction to the mention of A's name and was clearly reluctant to discuss anything to do with him. The fact that she has been deeply reluctant to disclose the details of past traumatic experiences is more consistent with a person who has been through such events rather than a person who has not and is simply putting forward a rehearsed account.

12. Minor inconsistencies can be characteristic of a genuine account in contrast to what might sometimes be an over rehearsed account with no natural inconsistencies in a claim that is not genuine. The effect of trauma on the memory is also well-documented and may provide an adequate explanation for some minor inconsistencies. I find that there is nothing inherently implausible about the appellant's account of having escaped from her traffickers. Having subjugated her with violence, and exploited her for a lengthy period, it is not inherently implausible that the traffickers might accede to a client's request to take an apparently compliant woman to a hotel.
13. However, I cannot discount the possibility that the appellant's account of two men coming to her mother's house in June 2015 might be an embellishment to explain why she chose to leave the country shortly after in July 2015. If she escaped from her traffickers in March 2015, it seems less plausible that the traffickers would wait three months before trying to track her down at her parents' house if they were interested in pursuing her. Even if this aspect of her account is true, it seems unlikely that those particular men would still be interested in pursuing her some six years later given the passage of time since she left Albania.
14. Some difficulty arises with elements of the evidence relating to more recent events. An earlier hearing was adjourned because those representing the appellant filed a bundle of evidence which included a series of GP notes recording information from health visitors. Despite the potential import of this evidence no witness statement was produced to address the impact it might have on her protection claim. The notes showed that the appellant gave birth to a second child since she has been in the UK. The GP records noted that the appellant's husband, J, was the father. The notes also recorded a conversation in which the appellant had told a health visitor that 'she and her husband [are] back together and [on] good talking terms.'
15. Given the stated history of trafficking and exploitation, I flagged up a potential concern as to whether the appellant might still be in a situation of exploitation in the UK. Her evidence was that she was with J in the months before leaving Albania. If J had also travelled to the UK, the possibility that the appellant might have been trafficked into the UK by another man needed to be explored. The case was adjourned to produce a witness statement. The appellant denied that she was still in a situation of exploitation or that she is in a subsisting relationship with her husband. At the hearing, she appeared relaxed when discussing her husband. Any initial concern that she might still be in a situation of exploitation seemed to have dissipated.

16. Nevertheless, the question of whether the appellant is in a subsisting relationship with her husband is relevant to the assessment of risk on return. If she returned to Albania with her husband it is likely that she would be in a far less vulnerable position than if she returned as a lone woman with two young children.
17. In interview, the appellant's evidence was that she reconciled with her husband after she escaped from her traffickers and that they were planning on starting afresh away from the influence of his parents. The appellant claimed that she met her husband by chance in the UK in March 2019. However, in light of her earlier evidence, I cannot entirely discount the possibility that they might have travelled to the UK together in the hope of starting a new life.
18. The appellant explained that she met with her husband a few times after their chance meeting because he wanted to see their daughter. He wanted to reconcile, but still said that he could not accept what had happened to her in the past. The appellant claims that they saw each other for a period of around one month. After that he did not call or return to visit her. The appellant claims that she did not see J again until 10 December 2019. He visited her in hospital when their son was born. In her statement she claimed that this was the last contact she had with her husband.
19. The information contained in the GP notes provides a somewhat contrasting picture. In notes dated 01 September 2015 the appellant's marital status was recorded as 'divorced'. Another note on 05 January 2016 recorded that she was 'not in contact with husband and her own family'. At the time she was recorded to be staying with a friend and there was no suggestion that she was living with her husband. In February 2016 there are a series of notes from a visiting health care worker discussing the care of her first child. In particular, the health care worker noted that the appellant did not have a steriliser for the baby's bottle and gave her advice. The notes go on to state that the appellant was unhappy about this being recorded in the baby's red book (child health record). On 08 November 2017 the notes recorded the appellant to be anxious about her immigration case and the risk that her child might be taken into care if she were to be removed.
20. In a note dated 26 April 2019, it was recorded that the appellant was living with a friend and her three year old child. In early May 2019 it was noted that the appellant wanted to have a test to find out how many weeks pregnant she was. This is broadly consistent with the appellant claim that she and her husband reconciled for a while in March 2019. On 31 October 2019, at a time when the appellant said that she did not have any contact with her husband, the notes recorded that she was still living with her friend 'B' and that it was 'over 18 months since she broke up with her partner'. The same note later recorded that she 'said that she separated from her ex-partner 3 years ago and now he is no longer in contact'. Her friend B said that they had no financial concerns. Her husband worked and the family income was enough to support everyone in the household. The same note went on to state that, when asked standard questions about

domestic abuse, the appellant said that she was in 'an abusive relationship with her ex-partner who is her child and unborn's father and now her ex-partner is no longer in contact.'

21. After the birth of her second child a note dated 20 December 2019 recorded that the appellant had 'reported that she was separated from her husband whilst being pregnant and since giving birth husband has been visiting a lot more and she reports good talking terms and hence she feels a lot better'. A month later, on 28 January 2020, a note stated that 'she reports that she and her husband [are] back together and [on] good talking terms'. At that time she was still reported to be living with her friend. At no point in the notes do they record the appellant's husband being present during a visit by the health care worker.
22. The appellant does not deny that she told the health visitor that she and her husband were back together in January 2020. In her witness statement the appellant explained that she had a difficult experience with the health worker in 2016 and was worried that her child would be taken into care. This is why she told the health visitor that her husband was supportive when her second child was born. She was worried that there might be problems if she told the health visitor that she was raising the children on her own.
23. The note dated 31 October 2019 might suggest that the appellant split with her husband around 18 months before, while she was in the UK. However, I bear in mind that the GP records are not intended to be a formal record of a conversation that a person can check and amend and that the note only goes so far as to suggest that they split 'over 18 months' before, which could also encompass the split she described in Albania in 2015.
24. The fact that the appellant has reconciled with her husband to a sufficient degree to have another baby together is suggestive of a continuing relationship, as is the account given to the health visitor in January 2020. Another aspect of the evidence is consistent with her account of not seeing her husband for most of her pregnancy until the birth of their second child. It is somewhat implausible that, having discovered he was a father for the first time in March 2019, and apparently showed an interest in seeing his daughter, J then severed all contact. In a similar vein, having discovered that the appellant was due to give birth to another child, and having visited her in hospital, it also seems strange that J would sever all contact again. Nothing in the evidence suggests that J has been living with the appellant and their children, but having shown an interest in his children, it seems unlikely that he has disappeared from their lives entirely.
25. When this issue was explored with the appellant at the hearing she maintained that she was not in a subsisting relationship with her husband and that she had no contact with him. She told me that she was still fearful that he would reject her because of her past experiences. Although they reconciled for a period, he was unable to accept what had happened to her and kept raising it as an issue when she wanted to 'close that chapter'.

The appellant said that she did not want to continue with the relationship because his family still exerted influence over him. She was scared that her history of trafficking would always come up.

26. I bear in mind that the low standard of proof in an asylum claim leaves room for doubt about certain aspects of the evidence. I cannot completely discount the possibility that the appellant and her husband might still be in a relationship. I also have some doubts as to whether he has severed all contact with the children having shown some interest in them during 2019. However, the appellant has given an explanation as to why she no longer wants to be in a relationship with him which is plausible in light of the other evidence showing that she is extremely reluctant to discuss her past experiences. When the evidence is also placed with the cultural context of the more conservative mores of Albanian society, it is plausible that J might struggle to come to terms with the appellant's past experiences even though she was the victim of a serious crime. The appellant described J as a 'mummy's boy' whose actions are still influenced by his family. In such circumstances it is unlikely that he would support the appellant if she were to be returned to the Albania with their children given what happened after his family found out about her relationship with A, let alone her subsequent history of trafficking.
27. For the reasons given above I accept on the low standard of proof that the appellant is not in a subsisting relationship with her husband although it seems unlikely that he has severed contact with his children the stark way asserted by the appellant. The evidence indicates that J is likely to be in the UK and may have some occasional contact with his children. However, there is no evidence to suggest that he would return to Albania with the appellant and their children if she were to be removed. I proceed to assess the risk on return on this basis.
28. The country guidance in *TD and AD (trafficked women)* CG [2016] UKUT 00092 (IAC), the expert country evidence of Dr James Korovilas, the knowledge that the trafficking expert Jeffrey Norman has about Albania, and the up to date background evidence all indicate that some support is available to victims of trafficking in Albania. However, they are also consistent in stating that the support provided by shelters is limited and does not provide a permanent solution for former victims of trafficking. Although the Albanian government has made significant efforts to improve its response to trafficking in recent years, protection may not be effective in every case.
29. On the evidence before the Upper Tribunal, the appellant would return to Albania as a lone woman with two young children. She has been the victim of trafficking in the past. A past history of persecution is indicative of future risk. As a result of her past experiences, the appellant suffers from PTSD. She has a strong subjective fear of returning to Albania. She is extremely fearful that she would suffer similar experiences and that her children might be used to manipulate her into another situation of exploitation. The psychiatric evidence suggests that her strong feelings of fear and shame are likely to lead to a significant deterioration in her

mental health if returned to the extent that it might affect her ability to provide effective care for her children. In *TD*, the Upper Tribunal found that one of the obstacles that a woman might face is 'no, or severely restricted, access to mental health services' [106].

30. The appellant comes from an area of northern Albania where she initially fell prey to traffickers. It is an area of rural Albania where there are likely to be conservative social attitudes. It is plausible that her family members have rejected her and are unlikely to be a source of support if she returned. Although her friend V provided support during two difficult periods, it is clear that V did not feel able to accommodate her indefinitely. At the time, the appellant did not have any children. On the face of the evidence currently before the tribunal the appellant would have no obvious source of support if returned to Albania.
31. I bear in mind that the appellant is educated to degree level and has some work experience. However, the evidence also shows that she is likely to suffer a severe deterioration in her mental health because of her strong subjective fear of being re-trafficked if returned to Albania. If her mental health deteriorated it is far less likely that she would be able to find work as well as to manage the demands of raising two children alone. The background evidence, country expert evidence, and country guidance all indicate that a female victim of trafficking is also likely to face a range of other obstacles. This might include significant stigma and negative societal attitudes that may also pose obstacles to her being able to establish herself as a lone woman without becoming prey to further exploitation. However, she would not face the additional stigma of having illegitimate children.
32. Those who have been vulnerable to exploitation in the past are more vulnerable to further exploitation. The country guidance in *TD* suggests that re-trafficking is still a reality in Albania. Having been brutalised into compliance in the past there is a serious possibility that, following the likely deterioration in her mental health, the appellant is unlikely to have the resilience to protect herself from further exploitation or to seek assistance from the authorities. She did not do so on the last occasion when she escaped from her traffickers.
33. Having considered the appellant's circumstances in the round, I conclude that she is likely to be in the vulnerable category of women identified by the Upper Tribunal in *TD* who are still likely to be at risk on return and/or for whom internal relocation to Tirana would be unreasonable or unduly harsh. For these reasons I conclude that the appellant has a well-founded fear of persecution for reasons of her membership of a particular social group. The respondent accepts that trafficking engages a Convention reason.
34. It follows that removal would also be unlawful under section 6 of the Human Rights Act 1998. Although different human rights issues might be engaged relating to the best interests of the appellant's young children, no detailed argument was formulate. Having found on the low standard of

proof that the appellant meets the requirements of Article 1A of the Refugee Convention it is not necessary to make detailed findings relating to Article 8 of the European Convention on Human Rights.

35. I conclude that removal would breach the United Kingdom's obligations under the Refugee Convention and would be unlawful under section 6 of the Human Rights Act 1998.

DECISION

The appeal is ALLOWED on Refugee Convention and Human Rights grounds

Signed M. Canavan Date 17 February 2022
Upper Tribunal Judge Canavan

NOTIFICATION OF APPEAL RIGHTS

1. A person seeking permission to appeal against this decision must make a written application to the Upper Tribunal. Any such application must be **received** by the Upper Tribunal within the **appropriate period** after this decision was **sent** to the person making the application. The appropriate period varies, as follows, according to the location of the individual and the way in which the Upper Tribunal's decision was sent:
2. Where the person who appealed to the First-tier Tribunal is **in the United Kingdom** at the time that the application for permission to appeal is made, and is not in detention under the Immigration Acts, the appropriate period is **12 working days (10 working days, if the notice of decision is sent electronically)**.
3. Where the person making the application is in detention under the Immigration Acts, **the appropriate period is 7 working days (5 working days, if the notice of decision is sent electronically)**.
4. Where the person who appealed to the First-tier Tribunal is **outside the United Kingdom** at the time that the application for permission to appeal is made, the appropriate period is **38 days (10 working days, if the notice of decision is sent electronically)**.
5. A "working day" means any day except a Saturday or a Sunday, Christmas Day, Good Friday or a bank holiday.
6. The date when the decision is "sent" is that appearing on the covering letter or covering email

ANNEX



**Upper Tribunal
(Immigration and Asylum Chamber)**

Appeal Number: PA/11281/2017

THE IMMIGRATION ACTS

**Heard at Field House
On 11 March 2020**

Decision Promulgated

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Before

UPPER TRIBUNAL JUDGE CANAVAN

Between

**M C
(ANONYMITY DIRECTION MADE)**

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Anonymity

Rule 14: The Tribunal Procedure (Upper Tribunal) Rules 2008

Anonymity was granted at an earlier stage of the proceedings because the case involves protection issues. I find that it is appropriate to continue the order. Unless and until a tribunal or court directs otherwise, the appellant is granted anonymity. No report of these proceedings shall directly or indirectly identify her or any member of her family. This direction applies both to the appellant and to the respondent.

Representation:

For the Appellant: Ms M. Benitez, Counsel

For the Respondent: Ms J. Isherwood, Senior Home Office Presenting Officer

DECISION AND REASONS

1. The appellant appealed the respondent's decision dated 18 October 2017 to refuse a protection and human rights claim.

2. First-tier Tribunal Judge Davidson (“the judge”) dismissed the appeal in a decision promulgated on 25 October 2019. The judge considered the background to the claim. She noted that the appellant should be treated as a vulnerable witness because she was pregnant at the date of the hearing and there was a stated diagnosis of Post-Traumatic Stress Disorder (PTSD). The judge went on to consider the evidence given by the appellant in her statement and at interview. She summarised the appellant’s account and her response to the reasons for refusal. The judge went on to summarise what documentary evidence was before her. She listed some of the reports and noted that there was relevant country guidance. She also noted that there was a country expert report from Dr James Korovilas which she summarised at [12]. At [13] the judge also summarised some of the medical evidence. She noted that there were records of counselling sessions and correspondence between medical professionals relating to counselling. She also noted a letter dated 18 March 2018, which stated that the difficulties the appellant described “appear to be consistent with PTSD but does not amount to a definitive diagnosis of PTSD”.
3. The judge then went on to summarise the Secretary of State’s case and the reasons for refusal before returning to summarise the submissions made by both parties at the hearing. The judge set out the relevant legal framework, including quoting the guidance given by the Tribunal in *TD and AD (Trafficked women) CG* [2016] UKUT 92. The judge moved on to make findings regarding the credibility of the appellant’s account. The core account was of traumatic experiences relating to trafficking. The judge began her consideration of the appellant’s credibility by reminding herself that the appellant was treated as a vulnerable witness. She did not make any adverse findings based solely on her oral evidence before the Tribunal. The judge said that she had also considered the evidence given by the appellant in her witness statements and interview records. She considered some evidence to be either implausible or lacking in credibility.
4. The judge then directed herself to relevant principles relating to how plausibility should be assessed. She reminded herself of the relevant standard of proof. She began her consideration at [55] by saying that some of the matters raised by the respondent relating to whether the appellant could remember the surname of one of the people involved was not a matter upon which she could place weight. In other words she considered matters that went towards the appellant’s credibility as well as against. However, at [56] the judge went on to explain why she considered certain aspects of the appellant’s account implausible. The findings regarding plausibility related largely to the judge’s own view of whether the account was plausible rather than by reference to background or other evidence. In my assessment, those findings were open to the judge to make albeit one must be cautious to rely on one’s own views when making an assessment about the plausibility of a person’s account.
5. At [57] the judge found that an aspect of the appellant’s account relating to an unsupervised visit to an hotel appeared to be implausible in light of

the appellant's own evidence that she had been subject to extreme levels of control by her traffickers. On the appellant's own evidence that finding was open to the judge to make.

6. At [58] to [59] the judge went on to make further findings relating to credibility. At [58] the judge observed that the appellant failed to produce any evidence to support her belief that her traffickers may have been connected to the government or to the authorities in some way.
7. At [60] the judge noted an inconsistency in the appellant's account. On the face of it that inconsistency might have been open to the judge to take into account but as my later findings will disclose, the judge's failure to consider the diagnosis of PTSD, might have affected the assessment of how much weight should be placed on an inconsistency or at least should have been factored into the assessment.
8. The crux of the appellant's challenge to the decision largely relates to the final conclusions, which were as follows:
 - “61. I have considered the expert report of Dr Korovilas and conclude that it does not assist me in reaching findings in relation to the credibility of the Appellant's evidence. His observations are generalisations about the situation in Albania and the pattern of trafficking. It does not address the credibility issues in the Appellant's account and I therefore give little weight to the report as corroboration of the Appellant's case.
 62. I have also noted the medical evidence which comprises notes of counselling sessions but there is no medical report as such. Although the summary indicates that the Appellant's test scores show she has symptoms of anxiety and depression, there is no analysis of the reason for these. It is likely that anyone in her situation, with a small child and an uncertain future would exhibit symptoms of anxiety and depression and I do not conclude that this evidence adds weight to her account of events in Albania.
 63. For these reasons and having taken into account all the evidence before me in the round, I do not accept that the Appellant was a victim of trafficking and I find that she is not at risk on return to Albania.”
9. The judge concluded that the appellant failed to establish the credibility of the core aspects of her account and dismissed the appeal on that basis. She went on to make findings relating to Article 8, which are not challenged insofar as this appeal is concerned. It may be necessary to observe that the judge mentioned PTSD at [66] but noted that the appellant did not have “a definitive diagnosis of PTSD”.

Decision and reasons

10. The appellant appealed the First-tier Tribunal's decision on three grounds. I will take them in reverse order because the third ground is the strongest of the three.
11. The appellant argues that the judge failed to adequately consider the medical evidence before her when assessing the appellant's credibility. Ms Isherwood submitted that the judge clearly had regard to the evidence.

The judge stated that the appellant had PTSD although Ms Isherwood accepted that there did not appear to be any findings analysing that evidence or any consideration of how it might affect the credibility of her account. She submitted that the evidence relating to PTSD was not strong enough to make any material difference to the outcome of the credibility assessment. I disagree. Whilst there was no full diagnostic report there was evidence that was relevant to a proper assessment of the appellant's credibility. The fact that she may have been diagnosed with PTSD was relevant to whether she experienced traumatic events in the past as claimed and whether there might be alternative explanations for any confusion or lack of consistency in her evidence.

12. A letter from the Inclusion Thurrock Health Centre dated 13 March 2018 was before the judge. A psychological wellbeing practitioner stated that the difficulties the appellant described appeared to be consistent with PTSD. The practitioner outlined various diagnostic scores without detailed analysis. I accept that the letter did not go into the same detail as a full medical report, but it was evidence to show that a healthcare professional had conducted an assessment with reference to relevant diagnostic criteria and concluded that the appellant appeared to meet the criteria for a diagnosis of PTSD. Taken alone that letter was rather weak, but when read alongside the counselling notes the evidence began to produce a more consistent picture. At page 5 of the supplementary bundle the medical notes, under the heading "Alerts", noted that the appellant had Post-Traumatic Stress Disorder. Elsewhere in the notes the appellant was recorded to have expressed reluctance to go on a mindfulness course because she was worried that people would look at her and judge her. Elsewhere in the notes the appellant gave an account to the counsellor of traumatic events in Albania and her flight to the UK. At pages 22 and 23 of the supplementary bundle the notes stated that the appellant gave an account of trafficking. The notes went on to say:

"When talking about the past patient began to have multiple panic attacks. Patient explained it is like she is back there and it is a nightmare. She said sometimes all she can see is black. Patient reported that when this happens she finds it hard to breathe, feels hot and feels like her heart is leaving her. Patient reports she tries hard not to think about it."

And:

"Patient reported she is scared that they will find her".

Then:

"Patient reports she is tired, can't sleep as she will have flashbacks and feels very low. She said she wants to forget what has happened and to live a normal life with her daughter."

At the bottom of page 23 the notes went on:

"Patient reports she is afraid of the past from her country. Patient reported her life was catastrophic and she feels ashamed of what has happened and doesn't want people to see her or know. Patient got very emotional and was reluctant to say what had happened."

13. When this evidence is taken together it supports a picture of someone who may have suffered traumatic events of the kind described by the appellant. In such circumstances the only finding that the judge made relating to the medical evidence at [62] was inadequate because she failed to consider what impact the diagnosis of PTSD might have on her assessment. The judge failed to make any finding as to whether the evidence showed on the low standard of proof that the appellant suffers from PTSD, and if so, how that factored into her assessment of the appellant's account of traumatic past events. I conclude that the medical evidence, albeit not presented in as strong a format as it could have been, was sufficiently important to require more analysis by the judge. For this reason, I find that the decision involved the making of an error of law.
14. As indicated, the other two grounds were less persuasive. The second ground related to the judge's failure to consider background evidence when she concluded that the appellant failed to produce any evidence to support her belief that the authorities might have been involved with her traffickers. The appellant's representative points to background evidence which may have supported the appellant's assertion. The judge's failure to engage with that evidence is a further matter that undermines her findings to some extent albeit it would not have been sufficient, taken alone, to amount to an error of law.
15. The first ground argued that the judge failed adequately to engage with the findings of the country expert who concluded that the appellant's overall account was broadly consistent with what is known about the way trafficking networks operate in Albania. The judge engaged with Dr Korovilas' report at [12] and [56]. It was open to the judge to observe that the comments in the report were general in nature. She accepted that long-term grooming by "boyfriends" is a common method of trafficking in Albania, but it was open to her to go on to give reasons why she considered certain aspects of the appellant's account to be implausible. For these reasons I find that her findings at [61] are sustainable. However, for the reasons given above the decision must be set aside.
16. I conclude that the First-tier Tribunal decision involved the making of an error of law. The decision is set aside and will be remade in the Upper Tribunal at a resumed hearing.

DECISION

The First-tier Tribunal decision involved the making of an error on a point of law

The decision will be remade in the Upper Tribunal at a resumed hearing

Signed M.Canavan Date 23 March 2020
Upper Tribunal Judge Canavan