



**Upper Tribunal  
(Immigration and Asylum Chamber)  
PA/04199/2015**

**Appeal Number:**

**THE IMMIGRATION ACTS**

**Heard at Field House**

**Decision & Reasons**

**On 25<sup>th</sup> August 2017**

**Promulgated**

**On 11<sup>th</sup> September 2017**

**Before**

**UPPER TRIBUNAL JUDGE MARTIN**

**Between**

**F M**

**(ANONYMITY DIRECTION MADE)**

**Appellant**

**and**

**THE SECRETARY OF STATE FOR THE HOME DEPARTMENT**

**Respondent**

**Representation:**

For the Appellant: Mr P Bonavero

For the Respondent: Mr S Walker

**DECISION AND REASONS**

1. This is an appeal to the Upper Tribunal with permission by the Appellant, an Albanian young lady who has now had two appeals heard in the First-tier Tribunal, the first one came before Judge Andonian and that was set aside in its entirety and remitted to be reheard afresh. It then came before another judge, Judge M A Khan to be heard afresh and he heard it at Taylor House on 3<sup>rd</sup> February this year.
2. The Appellant's claim essentially is that she was trafficked and that she would be re-trafficked or harmed by the perpetrators if returned to Albania. The judge's Decision regrettably is so flawed that I am going to have to set it aside again. The determination as a whole is riddled with unfortunate typing errors which sometimes change the sense of the sentence. However, more important are the errors in the findings.

3. At paragraph 41 of the Decision the judge sets out various matters including, he says, that the Secretary of State had accepted that the Appellant was trafficked. The Secretary of State did not accept that she was trafficked.
4. At paragraph 42 the judge says that given the Appellant's evidence that her father was a strict Muslim and she had been brought up as such she would not have fallen for a Christian. That is entirely speculative and cannot be sustained.
5. At paragraph 44 the judge says that there is a discrepancy because in interview the Appellant stated that a Kosovan girl had given her a British passport whereas she later said that Pali gave it to her. She did not say that at all; in fact she had always been consistent in saying that Pali gave it to her.
6. At paragraph 51 the judge says that the Appellant stated in her evidence that her family were not strict which is the entire opposite of what she said and indeed as the judge has previously recorded.
7. Because those errors go to the credibility findings and credibility is at the heart of the appeal the decision cannot stand and must be set aside and regrettably for a second time remitted to the First-tier Tribunal to be heard at Taylor House.

### **Notice of Decision**

The appeal is allowed to the extent that the decision of the First-tier Tribunal is set aside in its entirety and the matter remitted to the First-tier Tribunal for a full rehearing.

### **Direction Regarding Anonymity - Rule 14 of the Tribunal Procedure (Upper Tribunal) Rules 2008**

Unless and until a Tribunal or court directs otherwise, the Appellant is granted anonymity. No report of these proceedings shall directly or indirectly identify him or any member of their family. This direction applies both to the Appellant and to the Respondent. Failure to comply with this direction could lead to contempt of court proceedings.

Signed

Date 8<sup>th</sup> September 2017

Upper Tribunal Judge Martin