



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

Appeal Number: PA/08726/2016

THE IMMIGRATION ACTS

**Heard at Newport
On 31st July, 2017**

**Determination
Promulgated
On 3rd August, 2017**

Before

Upper Tribunal Judge Chalkley

Between

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Appellant

and

[G J]

~~(ANONYMITY DIRECTION NOT MADE)~~

Respondent

Representation:

For the Appellant: Mr S Kotas, a Senior Home Office Presenting Officer
For the Respondent: Ms S Pearce of Asylum Justice

DETERMINATION AND REASONS

1. The Secretary of State for the Home Department is the appellant in this appeal and to avoid confusion, I refer to him as being, "the claimant".
2. The respondent is female and was born on [] 1956. She is a national of the Republic of Georgia and arrived in the United Kingdom in October

2014. She claimed asylum on 1st February 2016 but in a decision of 1st August 2016 the claimant refused the respondent's asylum claim.

3. The respondent appealed to the First-tier Tribunal and her appeal was heard at Newport on 7th December, 2016 by First-tier Tribunal Judge Suffield-Thompson. She found that the decision of the claimant, that the respondent was not a victim of trafficking, was perverse when she purported to apply *MS (Trafficking - Tribunal's Powers - Art. 4 ECHR: Pakistan)* [2016] UKUT 00226 (IAC). Having found that the respondent was a victim of trafficking, the First Tier Tribunal Judge then simply allowed the respondent's appeal.
4. The claimant challenged the decision and in doing so asserted that the judge had failed properly to understand paragraph 57 of *MS* and to properly apply *Wednesbury* principles to the claimant's decision that the respondent was not trafficked. Both representatives agreed today that the determination could not stand and that it should be remitted to the First-tier Tribunal for a fresh hearing. I set the decision aside.
5. Given the length of time which would elapse were I to retain this appeal to myself in the Upper Tribunal, I believe it to be in the interests of justice that the matter be remitted to the First-tier Tribunal to be heard by a judge other than Judge Suffield-Thompson. Two and a half hours should be allowed for the hearing of the appeal and a Russian interpreter is required.

Notice of Decision

The appeal is allowed and remitted to be heard afresh by the First Tier Tribunal.

No anonymity direction is made.

Richard Chalkley

Upper Tribunal Judge Chalkley

TO THE RESPONDENT **FEE AWARD**

No fee is paid or payable and therefore there can be no fee award.

Richard Chalkley

Upper Tribunal Judge Chalkley
03/08/2017

Date