



Upper Tribunal  
(Immigration and Asylum Chamber)

Appeal Number: PA/03075/2015

**THE IMMIGRATION ACTS**

Heard at Field House  
On 20 August 2019

Decision & Reasons Promulgated  
On 03 September 2019

Before

UPPER TRIBUNAL JUDGE BLUM

Between

SECRETARY OF STATE FOR THE HOME DEPARTMENT

Appellant

and

VH

(by her Litigation Friend, the Official Solicitor)  
(ANONYMITY DIRECTION MADE)

Respondent

**Representation:**

For the Appellant: Mr D Clarke, Home Office Presenting Officer

For the Respondent: Ms C Meredith, Counsel, instructed by L Solicitors

**DECISION AND REASONS**

1. The Secretary of State for the Home Department (hereafter 'Appellant') appeals against the decision of Judge of the First-tier Tribunal Chambers (hereafter 'judge') who, in a decision promulgated on 31 January 2017, allowed the appeal of VH (hereafter 'Respondent') against the Appellant's decision of 10 November 2015 refusing her protection and human rights claim.

## Background

2. This appeal has a lengthy procedural history. The Respondent is a female national of Vietnam born in 1974. She is married with three adult children. She arrived in the UK around 6 January 2009 and was encountered by the UK authorities. She claimed asylum in a different name on 18 January 2009. Checks revealed that the Respondent had previously claimed asylum in Germany and this claim had been refused on 17 October 2006. The Respondent was registered as an absconder on 1 February 2009.
3. On 30 May 2014 the Respondent was arrested by police for cannabis cultivation. On 8 October 2014 she was convicted after a guilty plea and, on 15 December 2014, she was sentenced to 18 months imprisonment. On 27 January 2015 the Respondent was served with a Decision to Deport. On the same day she signed a disclaimer indicating that she wished to leave the UK without lodging representations against her deportation. Upon completion of her criminal sentence she was detained, in February 2015, under immigration powers. The Appellant signed a deportation order on 13 February 2015.
4. The Respondent was referred to the National Referral Mechanism (NRM) as a potential Victim of Trafficking (VOT) on 2 March 2015. She made an application for asylum on 1 April 2015.
5. I briefly summarise the core elements of the asylum claim. The Respondent and her family were struggling financially in Vietnam. Her husband suffered from some mental health problems and had been abusive to the Respondent. £20,000 was paid to agents to facilitate the Respondent's travel to the UK to enable her to work in a restaurant. £6,000 remains outstanding and the agents are harassing the Respondents family for this sum. It took the Respondent 3 years to reach the UK. She and the agent travelled through several countries and arrived in Germany in June 2006 where she claimed asylum on instruction from the agents. The Respondent always remained under the instruction of the agents. The Respondent was forced to work in a brothel in Germany. She was then taken to France and was forced to have sex with a group of men. On one occasion she was punched in the jaw and had acid thrown at her head. On arrival in the UK the Respondent was too scared to tell the police the truth and, on being released in January 2006, felt she had no choice but to follow the two male agents who had also been released. The Respondent was initially locked in a house and forced to have sex with 3 male occupants. She was later passed from one family to another to work as a nanny. She was taken to a brothel at the end of 2012 and escaped 3 months later. The Respondent eventually met a man, NT, who offered her a cleaning job in a house and to look after some plants. The Respondent was arrested for cultivating cannabis and was persuaded by NT to plead guilty to get a shorter sentence.
6. On 8 May 2015 the Appellant, in her capacity as a Competent Authority, decided there were no reasonable grounds to suspect the Respondent was a

VOT. On 15 May 2015 the Respondent requested that she be removed to Vietnam under the Facilitated Returns Scheme.

7. Following a request from the Respondent's previous solicitors a preliminary report was obtained from Elizabeth Flint, a consultant with expertise in human trafficking. This report, dated 18 May 2015, concluded that the Respondent was a potential VOT. A Rule 35 report by Dr Rebecca Ward issued on 30 June 2015 indicated that the Respondent may be a VOT.
8. A report dated 7 September 2015 authored by Dr Laura Kemmis, a Registered Clinical Psychologist, concluded that the Respondent fulfilled the criteria for both Post-Traumatic Stress Disorder (PTSD) and Major Depressive Disorder. The Appellant, as the Competent Authority, issued a further negative Reasonable Grounds decision on 16 September 2015. The Respondent challenged the Competent Authority's decision in judicial review proceedings.
9. On 10 November 2015 the Appellant refused the Respondent's protection and human rights application. In her decision the Appellant noted several inconsistencies and implausibilities in the various accounts given by the Respondent. These included the length of time the Respondent spent in France and Germany, the order in which different incidents occurred, the Respondent's description of her escape from a brothel in the UK, the Respondent's repeated requests to be returned to Vietnam, and differing accounts of the Respondent's relationship with a man called 'Older brother' or NT. The discrepancies "strongly suggested" to the Appellant that the Respondent had been dishonest in her account. The Appellant rejected the Respondent's claim that her husband and members of her village would have any reason to suspect or believe that she worked as a prostitute. The Appellant rejected the Respondent's claimed to have been trafficked in the past.
10. The Appellant also rejected the Respondent's claim that she would be at real risk of being trafficked if returned to Vietnam. In reaching this conclusion the Appellant relied on extracts from the Vietnam COI report (9 August 2013), the US State Department Trafficking in Persons Report 2013 and the UN Inter-Agency Project on Human Trafficking website, accessed on 4 July 2013. The Appellant concluded that support and protection from governmental and NGO sources in Vietnam was generally available to VOTs and that the Respondent could, in any event, avail herself of the internal relocation alternative. The Appellant considered that the Respondent could seek protection from the authorities and shelters provided by the government and other organisations. The Appellant considered the Respondent's claim to be a victim of domestic violence. The Appellant acknowledged the Respondent's claim in her asylum interview that her husband was an invalid who was currently cared for by his parents and the absence of any plausible reason given by the Respondent as to why her husband would commit violent acts against her in the future. The Appellant considered that there were adequate shelters and assistance available in Vietnam to victims of domestic violence.

11. The Respondent appealed the Appellant's decision refusing her protection and human rights claim to the First-tier Tribunal pursuant to s.82 of the Nationality, Immigration and Asylum Act 2002 (the 2002 Act).
12. The First-tier Tribunal allowed the Respondent's appeal. The Appellant obtained permission to appeal to the Upper Tribunal. In a decision promulgated on 18 July 2017 the Upper Tribunal concluded that the First-tier Tribunal judge's decision involved the making of an error on a point of law and set that decision aside, although retaining the finding that the Respondent was a VOT and that she suffered from PTSD as a result of her adverse life experiences.
13. The Upper Tribunal remade the decision on 8 March 2018, dismissing the Respondent's appeal. In a decision sealed on 2 January 2019 the Court of Appeal granted the Respondent permission to appeal the Upper Tribunal's remade decision. the Respondent subsequently sought to amend her grounds to additionally challenge the Upper Tribunal's 'error of law' decision of 18 July 2017. During the course of proceedings in the Court of Appeal the Official Solicitor became the Respondent's litigation friend on the basis that she was a protected party who lacked the capacity to understand and conduct the proceedings.
14. In a consent order sealed by the Court of Appeal on 5 July 2019 it was ordered that the appeal be allowed and the Upper Tribunal's decisions of 8 March 2018 and 18 July 2017 be set aside. The appeal was remitted to the Upper Tribunal to determine whether the First-tier Tribunal, in its decision of 30 January 2017, made an error on point of law. An accompanying Statement of Reasons indicated that the parties agreed that the Upper Tribunal gave inadequate reasons for finding that the First-tier Tribunal's decision was wrong in law. The Appellant however maintained that the judge's decision was wrong in law for the reasons set out in the application for permission to appeal to the Upper Tribunal. The Statement of Reasons noted that the Competent Authority had recognised the Respondent as a VOT in a Conclusive Grounds decision dated 13 September 2018.
15. In directions dated 5 August the Vice President of the Upper Tribunal appointed the Official Solicitor as the Respondent's Litigation Friend in respect of proceedings in the Upper Tribunal and directed that the first substantive hearing before the Upper Tribunal be limited to the question whether s12(2) of the Tribunals, Courts and Enforcement Act 2007 applies to the appeal.
16. Thus the issue I have to determine is whether the First-tier Tribunal judge's decision allowing the Respondent's appeal involved the making of an error on a point of law requiring it to be set aside.

## The decision of the First-tier Tribunal

17. Based on the medical evidence and the state of her mental health the Respondent did not give oral evidence before the First-tier Tribunal. The Respondent produced a bundle of documents that included, inter alia, written statements dated 27 January 2016 and 2 August 2016, a country expert report by Mark Sidel dated 23 May 2016, a psychological report by Dr Sarah Whittaker-Howe dated 30 October 2016, a psychiatric report by Dr Ruth Sagovsky dated 17 April 2016, and a Trafficking Indicator report of Elizabeth Flint dated 4 April 2016. The Appellant's bundle contained, inter alia, the Sentencing Remarks, The preliminary report by Elizabeth Flint, the Deportation Order and Reasons for Deportation letter, the Respondent's Screening Interview record and substantive asylum interview record, her Statement of Facts and Grounds dated 15 July 2015 prepared for the judicial review proceedings, the psychology report of Dr Laura Kemmis, and a Response to a Country of Origin Information (COI) Request dated 3 June 2015 relating to the availability of medical treatment for VOTs in Vietnam.
18. The judge's note of the hearing refers to the Presenting Officer reliance on the Reasons for Refusal Letter and expressly indicated that the Respondent's credibility remained in issue.
19. The judge accurately directed himself in accordance with the burden and standard of proof in the context of a protection and human rights appeal, and indicated that he was applying the Joint Presidential Guidance on vulnerable witnesses.
20. In the section of his decision headed 'Findings' the judge summarised the medical reports from Dr Laura Kemmis, Dr Ruth Sagovsky and Dr Sarah Whittaker-Howe. Dr Kemmis found that the Respondent was suffering from both PTSD and a Major Depressive Disorder. Dr Kemmis rejected the possibility that the Respondent may be failing or exaggerating her symptoms. She considered that the Respondent's PTSD and associated memory problems would significantly have impacted upon her ability to understand and give a comprehensive account. Dr Sagovsky concluded that the Respondent suffered from PTSD, depression and cognitive impairment. Dr Sagovsky thought it unlikely that the Respondent was feigning her difficulties. Dr Whittaker-Howe agreed that the Respondent met the criteria for complex PTSD and that this impacted upon her ability to participate in the proceedings. The Respondent's autobiographical memory was impaired and she was likely to provide inconsistencies or lack of details during recall/testimony. The Respondent had pronounced concentration difficulties.
21. At [19] the judge summarised the Respondent's general account "of being sold to agents who transported her from Vietnam to France and forced her into prostitution."

22. At [20] the judge described how the Appellant attributed the inconsistencies in the Respondent's account to dishonesty "... and not the sort of bewilderment and misunderstanding that it is now contended for on the basis of the expert medical reports." In the following paragraphs the judge noted the Presenting Officer's acceptance that the Respondent was suffering from complex PTSD. Although the Presenting Officer submitted that factors other than those relating to being trafficked could have contributed to her condition he did not identify any factors. The judge noted that the Competent Authority made its decision in the absence of much of the medical evidence made available to the Tribunal. The judge noted that, by the time of the asylum interview, there was evidence that the Respondent was vulnerable and had been diagnosed as suffering from PTSD. At [28] the judge briefly summarised some of the credibility concerns arising from the Respondent's accounts as identified in the Reasons for Refusal Letter.
23. At [29] the judge, in reliance on the country report from Dr Mark Sidel and "the objective evidence", noted that there was extensive trafficking/smuggling of Vietnamese into the UK "at the material time." At [30] the judge stated that the Respondent's province of origin had experienced extensive human trafficking and that it had been identified by the British government as being one of the provinces which many victims were trafficked to the UK. The Respondent's account of the operation of traffickers in her area and the means by which people were trafficked to the UK were generally confirmed by the "objective information." At [33] and [34] the judge found there was no evidence to suggest that the Respondent's cognitive problems resulted from anything other than severe PTSD and no other causes were identified by the Appellant to counter the Respondent's claimed ill-treatment during the course of her 3-year journey to the UK. At [34] the judge stated,
- "On the basis of the evidence presented there is no other life experience that can be identified as being causative of the [Respondent's] problems. What triggered the [Respondent's] trauma are, according to the medical findings, concerns about being picked up by men again and the cycle of exploitation beginning again."
24. At [36] the judge found that the Respondent's general account was supported by the objective evidence. The judge found that the Respondent was trafficked to the UK.
25. At [37] and [38] the judge stated,
- "It is necessary to consider whether if returned the [Respondent] faces a real risk of being harmed further by her traffickers or of being re-trafficked by them or others. The objective evidence shows that a number of victims of trafficking have been re-victimised upon return to Vietnam. They are particularly vulnerable. Objective evidence shows that victims of trafficking from criminal networks in Vietnam usually cannot rely on the police for protection and support. Vietnam uses a national identification card system. The [Respondent] would be re-integrated into that system. As

a Vietnamese resident she would be required to produce national identification in order to obtain services. She would be traceable. The residential permit system requires registration for residence. This, in turn would lead to the [Respondent's] identification. The [Respondent] could not reasonably, relocate.

Trafficked victims face stigmatisation in Vietnam. The [Respondent] subjectively fears that she will be shown by [sic] her community due to the shame of what has occurred to her since leaving Vietnam."

26. Having found that the Respondent was a refugee the judge allowed the asylum appeal.

### The challenge to the judge's decision

27. The grounds of appeal contended that the judge misdirected himself in law by failing to adequately consider the Competent Authority's reasonable grounds decision and by failing to give adequate reasons for preferring the evidence of the Respondent's expert witnesses on the issue of trafficking. The grounds additionally contended that the judge erred in law by failing to consider alternative causes for the PTSD diagnosis. Neither grounds were advanced by Mr Clarke at the hearing on 21 August 2019. It was accepted that the Respondent was a VOT and that the judge had been entitled to so find.
28. The remaining grounds of appeal, upon which Mr Clarke did rely, relate to the absence of any consideration by the judge of the extent to which the Respondent's family members would be able to provide her with support and thereby reduce the likelihood of a risk of being ill-treated by her traffickers or of being re-trafficked, and the adequacy of the reasons given by the judge in support of his findings that the Vietnamese authorities would be unable to provide the Respondent with a sufficiency of protection and that the internal relocation alternative was not available to her.
29. According to Mr Clarke most of the reasons given by the judge for concluding that the Respondent faced a real risk of harm from her traffickers or of being re-trafficked were contained in [37] and [38]. In neither paragraph was there any specific reference to the Respondent's family members. The judge failed to make any factual findings in respect of the Respondent's personal circumstances and there was no assessment of her relationship with her family members. There was, as a consequence, no finding in relation to any support network that may be available to the Respondent that could reduce the likelihood of her being targeted by traffickers or of being re-trafficked.
30. With respect to the grounds relating to the adequacy of the judge's reasons in respect of the sufficiency of protection and internal relocation issues, both the grounds and Mr Clarke relied on the reported case of **Nguyen (Anti-Trafficking Convention: respondent's duties)** [2015] UKUT 00170 (IAC). This was not a Country Guidance decision and does not appear to have been cited to the First-tier Tribunal judge or in the Reasons for Refusal Letter dated 10

November 2015. It nevertheless suggested that Vietnam was a large country with a large population and that, in respect of Ms Nguyen, the chances of her coming across here traffickers was slight. The Tribunal also found there was evidence to support the SSHD's view that there was a sufficiency of protection provided by the Vietnamese authorities. Mr Clarke submitted that the judge failed to give adequate reasons for finding that the Vietnamese authorities were unable to provide the Respondent with a sufficiency of protection. Nor was there any finding in respect of the reach and influence of the traffickers.

31. Ms Meredith submitted that the judge's findings at [37] and [38] had to be considered in the context of, and with reference to, his previous findings, particularly those relating to the Respondent being a VOT. The judge had previously referred to the country expert report at [29] and [30] and had given sustainable reasons for concluding that the authorities in Vietnam were unlikely to be able to protect the Respondent from her traffickers. The Appellant had never submitted that the Respondent's family would be able to support her against the traffickers. Her written evidence in any event suggested that her family had now turned against her and would be unwilling to offer her any support. Even if the judge made no specific findings in respect of the Respondent's family, this could not have made any material difference as the expert medical and country evidence was so strong and the Respondent's account was that her husband was an invalid and had been abusive towards her. It was submitted that **Nguyen** was determined on its own facts and was not a CG case.
32. I reserved my decision.

## Discussion

33. There was no application by Mr Clarke to amend the grounds of appeal. The 'error of law' hearing proceeded on the basis that the judge had been entitled to find the Respondent was a VOT. The judge attached significant weight to the medical reports which, in turn, established that the Respondent's medical condition was likely to have significantly impacted on her ability to understand and give a comprehensive account and that her concentration difficulties and memory problems were capable of accounting for the inconsistencies identified by the Appellant. The Respondent consistently maintained that she had been accompanied by traffickers from Vietnam and that she still owed around £6,000 to the traffickers. This indicates a situation of debt bondage. She consistently maintained that her family were struggling financially and that her husband was incapable of working. The judge recorded the evidence from Dr Mark Sidel to the effect that the Respondent's account of being trafficked was consistent with other instances of trafficking from Vietnam and that the Respondent's province in Vietnam had been identified as one that experienced extensive human trafficking. At [36] the judge specifically found that the Respondent's general account was supported by the objective evidence before him. At the beginning of [37] the judge then asked himself whether the Respondent would



be at risk of further harm in Vietnam "... from her traffickers." It follows that the judge's conclusion at the end of that paragraph - that the Respondent was trafficked to the UK, must necessarily include an acceptance that the Respondent was trafficked from Vietnam. The judge's finding at [30] that the Respondent's account of the operation of the traffickers in her area had been confirmed by the objective evidence must also necessitate, taken in conjunction with the acceptance that she feared being re-trafficked and the consistency of her claim to still owe money to the traffickers, an acceptance that the Respondent was in a situation of debt bondage.

34. The judge did not make any specific finding in respect of the Respondent's relationship with her family in Vietnam. In her various accounts the Respondent claimed to maintain some contact with her immediate family. She claimed in her asylum interview that her husband was an invalid and was being cared for by his parents. In her supplementary statement dated 2 August 2016 she claimed that although her family do not know what she has gone through, her husband keeps telling her that she went to the UK to become a prostitute and that he was very abusive to her about this, and even turned her children against her. She claimed her husband was always abusive to her (a claim made in her earlier statement) and that he would harm her if she returned. The judge did not however make any specific finding of fact in respect of these particular assertions.
35. It is not apparent from either the Reasons for Refusal Letter or the judge's decision that the Appellant ever suggested that the Respondent's family could support her against a risk of being re-trafficked. The grounds of appeal do not explain, even in general terms, how the presence of family members could constitute protection against traffickers. The Refugee Convention anticipates protection being provided by the state, not by family members. The pivotal issue is whether the state is capable of providing a sufficiency of protection to the Respondent in her home area. Even if the judge were to reject the Respondent's claimed antagonism from her immediate family members, it is difficult to determine how those family members could have protected her from the continued adverse interest of traffickers. The Respondent became a VOT because she and her family were in a vulnerable position. There is nothing in the evidence to suggest her family have any influence or power; the very fact that she was trafficked suggests the opposite. Even if her family were entirely supportive of her, it would be wholly unreasonable to expect them to stand up to traffickers who, on the evidence accepted by the judge, act in a vicious and organised manner. It follows that the failure by the judge to consider whether the Respondent's family could support her could have no material bearing in determining whether she was at risk from traffickers in her home area.
36. At the beginning of [37] the judge properly asked himself whether the Respondent faced a real risk of being further harmed by her traffickers or of being re-trafficked by them or others. The judge referred to 'objective evidence' showing that a number of VOTs had been re-victimised on return to Vietnam,

and that VOTs usually cannot rely on the police for protection and support. The reference to 'objective evidence' must include the expert country report from Dr Sidel as there is marked similarity in language between the content of his report and the judge's findings at both [37] and [38]. It is clear that the judge was relying on the expert report in reaching his conclusions on the existence of a sufficiency of protection. Dr Sidel acknowledged the existence of some trafficking programs in Vietnam but stated that the services and facilities available for returned VOTs to Vietnam were relatively minimal and shelters were underfunded and insufficient to meet the demands of the trafficked population. He additionally discussed the involvement of corrupt officials in identifying VOTs for trafficking and smuggling networks. There has been no challenge at any stage to the standing of Dr Sidel as an expert. Also before the judge were the a number of background human rights reports including a June 2015 Joint Report by the Vietnam Committee on Human Rights and the International Federation of Human Rights relating to Violations of Rights of Women in Vietnam, and the US State Department Trafficking in Persons Reports for 2014 and 2016, all of which supported the conclusions of Dr Sidel. Whilst the judge did not identify each report it is sufficiently clear that he had regard to the expert and background evidence adduced by the Respondent. The judge's conclusion that the Respondent was at real risk of harm by her traffickers or of being re-trafficked was supported by the evidence upon which he relied.

37. The grounds contend that the judge should have considered the reported case of **Nguyen**. On the facts of that case Ms Nguyen had been persuaded by her employer to go to Hungary where she was locked up and raped and thereafter forced to be a prostitute. She managed to escape and entered the United Kingdom where she had two children and eventually claimed asylum. She feared that the gang who had arranged for her to travel would target her for money, she claimed to be a vulnerable person, and claimed that she and her children would not be safe. Having referred to relevant extracts from the US State Department Trafficking in Persons Report on Vietnam of 2010, the relevant COIR report and a Freedom House Report of 2011 the Tribunal noted that Vietnam was a large country of some 90 million people with a number of large cities. Ms Nguyen was not a person of any adverse interest to the government and the chance of her coming across her traffickers was said to be very slight. On the facts of that case the Tribunal were not satisfied that Ms Nguyen had demonstrated that she faced a real risk of ill-treatment on return to Vietnam on account of her previous experience as a victim of trafficking or otherwise. The Tribunal were satisfied that the background evidence they considered, which did not include any expert report, did not establish that Ms Nguyen would be at risk of a breach of Article 3 or that even if she was a member of a particular social group of trafficked women from Vietnam she should face a real risk of harm on that account. At paragraph 52 the Tribunal held,

“It is speculative and no more to suggest that she would face a real risk of coming across her previous traffickers or that as a woman in the circumstances in which she would return she faced a real risk of being trafficked by someone else. We do not understand it to have been suggested that she would be unable to make contact again with her brothers, born respectively in 1989 and 1991, or with her sister born in 1993. There is evidence, in the US State Department Report of 2010, referred to in paragraph 50 above, to support the respondent's conclusion in the decision letter that there is a sufficiency of protection provided by the authorities in Vietnam. Accordingly we find that she has not shown a real risk on return to Vietnam of persecution or a breach of her human rights.”

38. As already mentioned, **Nguyen** is not a CG case. The decision was reported to give guidance on the duties owed to a victim of historic trafficking in a country to which they were not trafficked. There was no expert report before that Tribunal. Nor was any reference made to **Nguyen** in either the Reasons for Refusal Letter or by the Presenting Officer at the First-tier Tribunal hearing. The conclusion reached in **Nguyen** very much depended on its own particular facts. Whilst some features were similar it is not clear whether Ms Nguyen was in a position of debt bondage and her mental health condition was nowhere near as severe as that of the Respondent. I am not persuaded that the judge erred in law in failing to consider a decision that was not designated Country Guidance, which was not brought to his attention, and in which there was no detailed expert report assessing the availability of a sufficiency of protection in the VOT's home area. As pointed out by the judge at [30], the British government has specifically identified the Respondent's home province as one from which many victims are trafficked to the UK. This, coupled with the unchallenged standing of Dr Sidel, suggests that this particular Respondent would not have been provided with a sufficiency of protection in her home area. The judge was rationally entitled to rely on the conclusions of a country expert in making his findings.
39. Nor do I find that the judge erred in law in concluding that it would not be reasonable to expect the Respondent to relocate within Vietnam. The judge supported his conclusion by reference to the national identification card system in Vietnam and the likelihood that the Respondent would, if returned, have to be reintegrated into that system in order to obtain services. The judge was entitled on the evidence before him to conclude that the Respondent would be traceable by a trafficking gang to whom she owed the equivalent of £6,000. Dr Sidel referred to the underfunded nature of shelters in Vietnam and their insufficiency to meet the demands of the trafficked population and found that corruptible authorities would be able to identify her through official records and mandated systems. These findings must be considered in the context of the Respondent's serious mental health condition. The judge was acutely aware of the Respondent's complex PTSD and her Major Depressive Disorder and found her to be a traumatised individual. The judge's conclusion in respect of the availability of internal relocation was one rationally open to him on the

evidence before him and for the reasons given. I find there is no error of law requiring the decision to be set aside.

**Notice of Decision**

**The Secretary of State for the Home Department's appeal is dismissed.**

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

Unless and until a Tribunal or court directs otherwise, the appellant in this appeal 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. Failure to comply with this direction could lead to contempt of court proceedings.

*D. Blum*

Signed

Date 23 August 2019

Upper Tribunal Judge Blum