



Upper Tribunal
(Immigration and Asylum Chamber)

Appeal Number: PA/04128/2019

THE IMMIGRATION ACTS

Heard at Birmingham Justice Centre
On 17th February 2020

Decision & Reasons Promulgated
On 21st April 2020

Before

UPPER TRIBUNAL JUDGE MANDALIA

Between

FK
(ANONYMITY DIRECTION MADE)

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Mr J Dixon, instructed by Braitch Solicitors

For the Respondent: Mr A McVeety, Senior Home Office Presenting Officer

DECISION AND REASONS

1. An anonymity direction was made by the First-tier Tribunal ("FtT"), and as this a protection claim, it is appropriate that the direction continues. Unless and until a Tribunal or Court directs otherwise, the appellant is granted anonymity. No report of these proceedings shall directly or indirectly identify the appellant or any member of her family. This direction applies amongst others to all parties. Failure to comply with this direction could lead to contempt of court proceedings.

2. The appellant is a national of Albania. She arrived in the UK on 9th September 2015 and attempted to enter using a false Italian ID document. When stopped, she claimed asylum and in February 2016 a referral was made to the 'National Referral Mechanism', a framework for identifying victims of human trafficking. The Competent Authority made a positive 'reasonable grounds' decision on 1st March 2016 but concluded on 12th April 2019 that the appellant is not a victim of human trafficking or slavery, servitude or forced/compulsory labour. The appellant's claim for asylum was refused by the respondent for reasons set out in a decision dated 12th April 2019. The appellant's appeal against that decision was dismissed by FtT Judge McKinney for reasons set out in a decision promulgated on 24th July 2019.

The appeal before me

3. Briefly stated, the appellant claimed she cannot return to Albania as she fears she will be liable to be re-trafficked, and fears retribution from ex-boyfriend who was violent towards her and forced her into prostitution.
4. The appellant advances two grounds of appeal. First, the judge failed to make findings on the core of the appellant's claim and/or failed to give adequate reasons for her findings. It is said that the judge failed to make any express finding regarding whether the appellant was in fact forced into prostitution by her ex-boyfriend as she had claimed. If, reading the decision as a whole, it is said that the judge rejected the core of the appellant's claim, the appellant claims the judge erroneously reached her decision based upon what the judge considered to be an implausible account of events. The appellant points to the decision of the Court of Appeal in HK -v- SSHD [2006] EWCA Civ 1037. Second, the judge failed to give adequate reasons for rejecting the expert evidence of Antonia Young. It is said the judge did not challenge the expertise of the expert and erred in her conclusion that the expert's opinion of the child suffering persecution or being perceived as illegitimate and suffering from extreme deprivation, is unsupported by evidence and authority. The expert had set out her expert opinion setting out the risks the appellant would face as a single mother with an illegitimate child, and the judge failed to engage with the opinion.
5. Permission to appeal was granted by Upper Tribunal Judge Stephen Smith on 12th September 2019. In granting permission he noted that it is arguable that the operative credibility assessment of the judge was flawed, as it was arguably based on what the judge considered to be multiple "implausibility's" (*sic*). He considered it arguable that the judge's subsequent assessment of the risk upon return was tainted, given it

was based on her arguably erroneous findings of fact. The matter comes before me to consider whether the decision of FfT Judge McKinney involved the making of a material error of law, and if the decision is set aside, to re-make the decision.

6. Mr Dixon adopts the grounds of appeal. He submits the judge adopted an erroneous approach to her consideration of the claim. He submits the judge adds up a number of aspects of the appellant's account that the judge found to be implausible, and then rejected the entire account. He submits that at paragraph [43], the judge erroneously found the appellant's claim that she would not inform the police about what had happened to her, as being implausible. Mr Dixon refers to the record of the asylum interview completed on 24th February 2016. At Question 139, it was put to the appellant that the police in Albania are now better trained in dealing with victims of domestic violence. She was asked why she cannot return and make use of the protection available to her. In reply, the appellant referred to Albania being corrupt and members of parliament having trafficked women. At paragraph 9 of her witness statement dated 4th June 2019, the appellant had referred to her own experience of the corruption within the judicial and legal system in Albania. She referred to the husband of her best friend, who is a prosecutor in Albania, telling her "*.... people can get away with murder by just paying a bribe.*". The claim made by the appellant was supported by the expert report. At page 27 of her report, Antonia Young refers to the Home Office CPIN; 'Background information, including actors of protection, and internal relocation of July 2017. She cites an extract from paragraph 11.1.10 of the CPIN that confirms that "*...public perception on spread of corruption among top police officials has increased. Bribery is the most widespread form of corruption and remains almost unchanged just like two years ago, as other forms of corruption have increased their presence. Cooperation with criminals, involvement in illegal traffics, manipulation of evidence, and corrupt procurements are among corruption forms with significant rise...*". Mr Dixon submits the judge did not consider the appellant's perception of matters, but it was important to understand why the appellant had not reported matters to the police. He submits the judge simply found the appellant's account to be implausible without considering the explanation provided. He submits the overall assessment of the claim is flawed because the judge relied heavily upon her own assessment as to what might be possible, rather than engaging with the evidence of the appellant.
7. Mr Dixon submits the appellant is in any event at risk upon return as a lone woman, if her relationship with her ex-boyfriend has broken down. He submits the appellant would be returning to Albania as a lone woman and the judge failed to carry out any proper assessment of the risk the appellant would be exposed to. The appellant had

lived in Tirana previously, but she would now find herself in a different position. Mr Dixon submits the judge failed to consider the impact of stigmatisation, and the judge did not consider the background material and expert report sufficiently. He submits the judge did not consider the predominant cultural norms that prevail in Albania in reaching her decision.

8. In reply, Mr McVeety submits that at paragraph [49] of her decision the judge makes it clear that she has not found the appellant to be a witness of truth in respect of her claim. At paragraph [51] of her decision, the judge again confirms that she has not found the appellant to be a witness of truth in her account of why she fears her ex-boyfriend. Mr McVeety submits the judge comes to the very clear conclusion that she does not believe anything that is said by the appellant, and it is clear that the judge rejected the core of the appellant's account. He submits that although the judge found many aspects of the appellant's account to be implausible, that was not the only reason for rejecting the core of the appellant's claim and finding that the appellant is not a witness of truth. He submits that at paragraph [46] of her decision, the judge rejected the claim made by the appellant that she had not applied for a new passport because she did not trust the police, and the judge clearly had concerns about the reliability of the evidence given by the appellant. Mr McVeety submits that when considering the evidence as a whole, it was open to the judge to conclude that the account advanced is one that is highly unlikely. It was open to the judge to note that the appellant had not claimed asylum in Switzerland. He submits that when considering the claim overall, the judge was entitled to note the appellant is an intelligent well-educated woman and that the appellant's actions damage her credibility in accordance with s8 of the Asylum and Immigration (Treatment of Claimants) Act 2004. Mr McVeety accepts the judge's engagement with the expert report at paragraph [51] of the decision, is brief. He submits however, that the opinions expressed by the expert as to the risk upon return are premised upon the appellant being found by the judge to be credible, and the judge accepting the core of the appellant's account. The judge did not do so.

Discussion

9. I remind myself of the observations made by Mr. Justice Hadon-Cave in Budhathoki (reasons for decisions) [2014] UKUT 00341 (IAC).

It is generally unnecessary and unhelpful for First-tier Tribunal judgments to rehearse every detail or issue raised in a case. This leads to judgments becoming overly long and confused and is not a proportionate approach to deciding cases. It is, however, necessary

for judges to identify and resolve key conflicts in the evidence and explain in clear and brief terms their reasons, so that the parties can understand why they have won or lost.

10. I have also had regard to the decision of the Upper Tribunal in Shizad (sufficiency of reasons: set aside) [2013] UKUT 00085 IAC where it was stated in the head note that:

"Although there is a legal duty to give a brief explanation of the conclusions on the central issue on which the appeal is determined, those reasons need not be extensive if the decision makes sense, having regard to the material accepted by the judge."

11. Dealing first with the judge's overall assessment of the claim and the credibility of the appellant, in HK -v- SSHD [2006] EWCA Civ 1037, the appellant's account had been rejected at first instance simply because the facts he described were so unusual as to be thought, unbelievable. The Court of Appeal held that that was not a safe basis upon which to reject the existence of events that were said to have occurred within an environment and culture that were wholly outside the experience of the decision-maker. At paragraph [28] of his judgment Neuberger LJ stated:

"Further, in many asylum cases, some, even most, of the appellant's story may seem inherently unlikely but that does not mean that it is untrue. The ingredients of the story, and the story as a whole, have to be considered against the available country evidence and reliable expert evidence, and other familiar factors, such as consistency with what the appellant has said before, and with other factual evidence (where there is any)."

12. In Y -v- SSHD [2006] EWCA Civ 1223, Keene LJ stated:

*"25. There seems to me to be very little dispute between the parties as to the legal principles applicable to the approach which an adjudicator, now known as an immigration judge, should adopt towards issues of credibility. The fundamental one is that he should be cautious before finding an account to be inherently incredible, because there is a considerable risk that he will be over influenced by his own views on what is or is not plausible, and those views will have inevitably been influenced by his own background in this country and by the customs and ways of our own society. It is therefore important that he should seek to view an appellant's account of events, as Mr Singh rightly argues, in the context of conditions in the country from which the appellant comes. The dangers were well described in an article by Sir Thomas Bingham, as he then was, in 1985 in a passage quoted by the IAT in *Kasolo v SSHD 13190*, the passage being taken from an article in *Current Legal Problems*. Sir Thomas Bingham said this:*

"An English judge may have, or think that he has, a shrewd idea of how a Lloyds Broker or a Bristol wholesaler, or a Norfolk farmer, might react in some situation which is canvassed in the course of a case but he may, and I think should, feel very much more uncertain about the reactions of a Nigerian merchant, or an Indian ships' engineer, or a Yugoslav banker. Or even, to take a more homely example, a Sikh shopkeeper trading in Bradford. No judge worth his salt could possibl[y] assume that men of different nationalities, educations, trades, experience, creeds and temperaments would act as he might think he would have done or even – which may be quite different – in accordance with his concept of what a reasonable man would have done."

26. *None of this, however, means that an adjudicator is required to take at face value an account of facts proffered by an appellant, no matter how contrary to common sense and experience of human behaviour the account may be. The decision maker is not expected to suspend his own judgment, nor does Mr Singh contend that he should. In appropriate cases, he is entitled to find that an account of events is so far-fetched and contrary to reason as to be incapable of belief. The point was well put in the Awala case by Lord Brodie at paragraph 24 when he said this:*

"... the tribunal of fact need not necessarily accept an applicant's account simply because it is not contradicted at the relevant hearing. The tribunal of fact is entitled to make reasonable findings based on implausibilities, common sense and rationality, and may reject evidence if it is not consistent with the probabilities affecting the case as a whole".

He then added a little later:

"... while a decision on credibility must be reached rationally, in doing so the decision maker is entitled to draw on his common sense and his ability, as a practical and informed person, to identify what is or is not plausible".

27. *I agree. A decision maker is entitled to regard an account as incredible by such standards, but he must take care not to do so merely because it would not seem reasonable if it had happened in this country. In essence, he must look through the spectacles provided by the information he has about conditions in the country in question. That is, in effect, what Neuberger LJ was saying in the case of HK and I do not regard Chadwick LJ in the passage referred to as seeking to disagree."*

13. The assessment of credibility is always a highly fact sensitive task. The FfT Judge was required to consider the evidence as a whole. In assessing the credibility of FK and the claim advanced by her, the Judge was required to consider a number of factors. They include, whether the account given by FK was of sufficient detail, whether the account is internally consistent and consistent with any relevant specific and general country information, and whether the account is plausible. Clearly, some of those factors may be more relevant in an individual case than others. If an account is littered with internal inconsistencies that may be enough for a judge to dismiss the evidence of an appellant as incredible. It does not follow that a judge is entitled to dismiss an account in the same way simply because the account is simply implausible.
14. Here, a summary of the claim made by the appellant is set out by the judge at paragraphs [3] to [10] of her decision. As set out at paragraph [16] of the decision, the appellant gave evidence with the assistance of an Albanian interpreter. The judge considered the evidence before her and her findings and conclusions upon the claim for international protection are set out at paragraphs [38] to [51] of the decision.
15. The judge considered the claim made by the appellant that she had stayed at the house of her ex-boyfriend on the outskirts of Milan, where was forced into

prostitution for 1½ months until the appellant told her ex-boyfriend that she was pregnant, and they returned to Albania for her to have an abortion. The judge noted the claim made by the appellant that following her return to Albania, she had been taken to a small clinic in Tirana and a Doctor who remembered her from her childhood in Ceronova, helped her to leave the clinic. The judge noted the claim made by the appellant that she got a taxi to her friend's house where her ID card was, before travelling to her friends' [S] and [A], home in Kamza on the outskirts of Tirana. The judge considered the appellant's claim that she applied for a new passport and then travelled to Italy with her friends [S] and [A], and the claim that she had stayed in Milan with them, at the house of another friend.

16. At paragraph [40] of her decision, the judge states “.. *there are a number of significant implausibility's in the appellant's account...*”. At paragraphs [40] to [43] and [48] of her decision, the judge identifies the various strands of the claim made by the appellant that she considered to be implausible.
17. At paragraph [45] of her decision, the noted there was no reason why the appellant did not claim asylum in Switzerland where she was fingerprinted two days before arriving in the UK. The judge found the appellant specifically chose to come to the UK and had spent months planning her travel. The judge found she deliberately chose to obtain a forged Italian ID card in order to specifically come to the UK.
18. At paragraph [46] of her decision, the judge considered the explanation provided by the appellant regarding the application that had been made by her for a new passport. The judge considered the evidence of the appellant in her witness statement that she had a copy of her old passport and her friend [A] helped obtain a fake passport, which was in fact a duplicate of her first passport. The judge considered the appellant's account and said “.. *I do consider the appellant's account of why she applied for a duplicate passport rather than a new one implausible. She admitted she was hiding in Albania for around five months; this is not a short period of time and there would be no reason to fear notifying the police for the reasons I have outlined above.*”
19. At paragraph [49] of her decision, FtT Judge McKinney stated:

“Taking all of this into consideration I do not find the appellant has been credible at all in relation to her account as to why she fears persecution in Albania.... Having come to my findings above I do not find to the lower standard that she is at risk upon return for being a victim of trafficking for prostitution. I do not find she is a victim of trafficking.... I have not found the appellant to be a witness of truth in respect of her claim. I find there are significant implausibility's in her

account, and I find it incredible. I do not find she would be at risk on return from her ex-partner or that she is at risk of being re trafficked.”

20. I reject the claim that the judge failed to make findings on the core of the appellant’s claim. The judge noted at paragraph [36] of her decision, the issues in the appeal, noting that the credibility of the claim advanced by the appellant was central to the appeal. The judge outlined the claim made by the appellant at paragraph [38] of her decision. At paragraphs [40] to [49], the judge carefully engaged with the claim made by the appellant and concluded that she did not find the appellant to be a witness of truth in respect of her claim. In the opening sentence of paragraph [49], the judge stated, *“Taking all of this into consideration I do not find the appellant has been credible at all in relation to her account as to why she fears persecution in Albania ...”*. The judge went on to conclude that paragraph by saying *“I find there are significant implausibility’s in her account, and I find it incredible. I do not find she would be at risk upon return from her ex-partner or that she is at risk of being re-trafficked”*. Reading the decision as a whole, I am quite satisfied the judge rejected the core of the appellant’s account for the reasons set out at paragraphs [40] to [49] of her decision.
21. In reaching her decision, the judge clearly considered the inherent improbability of the claims made by the appellant. It is clear from the authorities that I have referred to, that the assessment of credibility may involve an assessment of the plausibility or the apparent reasonableness or truthfulness of what has been said. The assessment can involve a judgement as to the likelihood of something having happened based on evidence and or inferences. Background evidence can often assist, revealing the likelihood of what is said to be apparently reasonable when based on an understanding of the circumstances of life in the country of origin.
22. In my judgment, the FtT judge was entitled to draw on her common sense and her ability, as a practical and informed person, to identify what is or is not plausible, as long as the reasons for drawing the inferences of implausibility withstand scrutiny.
23. At paragraph [40], the judge stated; *“... I found it bizarre that of all places for the appellant to travel to when she is claiming to fear persecution from her ex-boyfriend she chose to travel to the exact same city and country where she claims to have been exploited and forced into prostitution by him.”*. At paragraph [41], the judge stated, *“... I find it highly unlikely that if the appellant genuinely feared her ex-boyfriend she would willingly travel and stay in the 2 cities that she claimed he wanted to force her into prostitution.”*. At paragraph [42], the judge stated; *“ I also find her account of how she managed to escape from the abortion clinic rather incredible....I find it highly unlikely that [the Doctor] would be willing*

to risk their own safety and that of their other patients to permit the appellant to escape out of another door of the building without first ensuring the police had been notified and attended.”. At paragraph [43], the judge stated, “I also find the appellant’s claim implausible that she would not inform the police about what had happened to her...”. At paragraph [48], the judge stated, “... I find it implausible that she would remain with her ex-boyfriend for the few days after they arrived back in Italy from Amsterdam given she had overheard him speaking to his friend regarding her working as a prostitute in Amsterdam. I find it further implausible that the appellant waited so long to inform her ex-boyfriend that she was pregnant with his child; despite her claim that he was violent towards her, forced her to take class A drugs and work as a prostitute.”

24. At paragraph [37], the FtT judge confirms that she has taken account of potentially corroborative evidence and how the Upper Tribunal assessed the evidence of TD and AD in the CG case of TD and AD (trafficked women) CG [2016] UKUT 00092. Having made that clear, I have no reason to believe that the FtT judge did not take that potentially corroborative evidence into account. When considering the inherent improbability of the claim advanced by the appellant, in my judgment, the judge carefully considered the appellant’s claim that she fears retribution from her ex-boyfriend who was violent towards her and forced her into prostitution when they were in Italy, leading to their return to Albania. It was in that context, that the judge considered whether it is plausible that the applicant chose to travel to the exact same city and country where she claims to have been exploited and forced into prostitution. The judge considered the appellant’s claim concerning her escape from the abortion clinic and accepted that it is possible that a doctor at the clinic would remember the appellant, but highly unlikely that the doctor would be willing to risk their own safety and that of their other patients. In considering the appellant’s claim that she did not inform the police about what happened to her, the judge accepted the background material and expert report which indicates that corruption does exist within some parts of Albanian police, but noted also that the evidence does not show there is an ineffective police response to victims of trafficking in Albania. Furthermore, the judge noted the appellant did not approach the police in any of the safe European countries the appellant travelled to including Italy.
25. In JT (Cameroon) -v- SSHD [2008] EWCA Civ 878, the Court of Appeal confirmed that The Asylum and Immigration (Treatment of Claimants, etc.) Act 2004 s.8 was no more than a reminder to fact-finding Tribunals that conduct coming within the categories stated therein had to be considered when assessing the credibility of an asylum seeker. The FtT judge was entitled to have regard to the conduct of the

appellant and the explanation provided. While such conduct had to be considered and was capable of damaging credibility, the Court of Appeal confirmed that s8 did not dictate that damage to credibility inevitably resulted, and the weight to be given to the conduct was entirely a matter for the judge.

26. When properly read, in my judgement, the judge reached her decision as to the credibility of the appellant and the core of her account by reference to the evidence as a whole. The judge considered the explanations put forward by the appellant and there is nothing in the background evidence or the experts report that is capable of explaining why the appellant acted as she did, if, as she claims, she fears retribution from her ex-friend who was violent towards her and had forced her into prostitution. The judge was entitled to focus on what the appellant had said about her relationship with her ex-boyfriend, her claims that she had been forced into prostitution their return from Italy to Albania for an abortion and the subsequent events leading to the appellant's arrival in the UK. It was for the appellant to provide evidence as to why and how matters happened in the way in which she said they did, in the light of the challenge to her credibility. The appellant's account of events was carefully considered by the judge. It was the sheer improbability of the appellant's account of events that caused the judge to reject her account. She was in my judgment entitled to do so, and to reach the overall credibility conclusion which she did. The background material and expert report cannot and does not explain why the appellant acted as she did, and that evidence adds nothing here.
27. The judge went on to consider whether the appellant is in any event at risk on return on the basis that she claims to be a single mother of an illegitimate child. The judge considered the report of Antonia Young that was relied upon by the appellant and at paragraph [51] stated:

"... It is not in dispute that the appellant has managed to live sometime by herself as a single female in Tirana without any issues. She is a well-educated young woman who studied for four years to obtain a degree in law and has worked in various jobs including at a law firm and electoral commission. She is well travelled. She claims to have a ID card with her friend in Albania so would not need to apply for one to obtain any social assistance she may require if returning with a child. The report states she would have to register with the local authority for her child to attend school. As she has her ID card this should not cause any difficulties. I found Ms Young's description of her child suffering "persecution" being perceived as illegitimate and suffering from "extreme deprivation" unsupported by evidence and authority. Further I only have the appellant's account that [J] is the illegitimate child of her ex-boyfriend. I have already found her not to be a witness of truth in her account of why she fears her ex-boyfriend. I

am not satisfied the lower standard on the evidence that the appellant or [J] would suffer persecution or a breach of Article 3 ECHR upon return to Albania.”

28. I accept, as did Mr McVeety, that the judge only engages with the report briefly. For completeness, I have carefully considered the report. At page 42 of her report, Antonia Young sets out her opinion as to the “Assessment of Future Fear”. She states that if the appellant is found to be credible, she has good reason to fear being found by her ex-boyfriend, maybe not immediately, but in the longer term. The judge did not find the appellant to be credible. At page 48 of her report, the expert deals with concerns relating to the appellant’s child. She states:

“In order to access nursery care or education for her child, [the appellant] would have to register with the local authority, increasing the likelihood of being discovered by her trafficker. In his schooling, her son would face extreme deprivation and persecution being perceived as illegitimate, with no father accounted for, nor supportive family members to dispel such perception (as she notes in her WS at point 17)”

29. In reaching her decision, the judge clearly had that evidence in mind, and addressed it at paragraph [51] of her decision. At paragraph [17] of her witness statement dated 4th June 2019, the appellant claimed the respondent had failed “..to understand that my son was born illegitimately which means that his father and I were not married at the time he was born. He will face discrimination if returned to Albania ...”. The expert appears to adopt the concerns expressed by the appellant at paragraph [17] of her witness statement, and quite apart from the fact that the opinion is based upon the appellant’s account of events being credible, fails to set out the basis upon which she reaches her opinion that appellant’s son “would face extreme deprivation and persecution being perceived as illegitimate, with no father accounted for, nor supportive family members to dispel such perception..”. The expert sets out her conclusions at section 8 (page 54) of her report. The expert acknowledges that it rests with the Tribunal to determine whether or not the appellant’s account is truthful. The expert’s opinion as to the risk upon return is premised upon the appellant being found to be credible. The expert based her consideration of the appellant’s fear upon the account given by the appellant. In my judgment the judge considered, albeit in brief terms, the matters set out in the expert’s report in light of the findings made by the judge as to the credibility of the appellant and the core of her account.
30. As Brooke LJ observed in the course of his decision in R (Iran) v The Secretary of State for the Home Department [2005] EWCA Civ 982, “unjustified complaints” as to an alleged failure to give adequate reasons are all too frequent. The obligation on a Tribunal is to give reasons in sufficient detail to show the principles on which the

Tribunal has acted and the reasons that have led to the decision. Such reasons need not be elaborate, and do not need to address every argument or every factor which weighed in the decision. If a Tribunal has not expressly addressed an argument, but if there are grounds on which the argument could properly have been rejected, it should be assumed that the Tribunal acted on such grounds. It is sufficient that the critical reasons to the decision, are recorded.

31. On appeal, the Upper Tribunal should not overturn a judgment at first instance, unless it really cannot understand the original judge's thought process when she was making material findings. In my judgement, the judge identified the issues and gave a proper and adequate explanation for her conclusions on the central issues on which the appeal was determined. The findings made by the judge were findings that were properly open to the judge on the evidence before the FtT. The findings cannot be said to be perverse, irrational or findings that were not supported by the evidence. Having carefully considered the decision of the FtT I am quite satisfied that the appeal was dismissed after the judge had carefully considered the facts and circumstances of the claim, and all the evidence before her.
32. In my judgment, the appellant is unable to establish that there was a material error of law in the decision of the FtT, and it follows that the appeal is dismissed.

Notice of Decision

33. The appeal is dismissed.

Signed

Date 3rd April 2020

Upper Tribunal Judge Mandalia

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