



IAC-FH-CK-V1

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

Appeal Number: PA/09118/2019

THE IMMIGRATION ACTS

**Heard via Microsoft Teams at Field House
On the 2nd September 2021**

**Decision & Reasons Promulgated
On the 11th October 2021**

Before

UPPER TRIBUNAL JUDGE ALLEN

Between

**IC
(ANONYMITY DIRECTION MADE)**

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Ms U Dirie, instructed by BMAP
For the Respondent: Mr S Walker, Senior Home Office Presenting Officer

DECISION AND REASONS

1. The appellant is a national of Albania. She appealed to the First-tier Tribunal against the Secretary of State's decision of 3 October 2019 refusing her claim for international protection.
2. Her appeal was dismissed and she subsequently sought and on renewal was granted permission to appeal to the Upper Tribunal.

3. Ms Dirie and Mr Walker were in agreement that the decision was materially flawed by errors of law. In particular, Mr Walker referred to the judge's rejection of the appellant's claim to have received a threatening telephone call from her cousin on the basis that the aunt's statement did not contain any clear reference to the telephone calls. The finding in this regard at paragraph 96 of the decision contrasted with what the judge said at paragraph 85 about concerns with the aunt's evidence being said not to be sufficient to conclude that the judge disbelieved her.
4. In addition, it was agreed between the representatives that the judge had erred in his interpretation of AM and BM [2010] UKUT 80 (IAC) in that the sentence referred to by the judge referred to persecution by the victim's family, as in the instant case, rather than, as the judge had thought, persecution by the traffickers. This was of clear materiality to the decision.
5. I agree with the points made by the representatives. I think there is also some force in the point made as to the evaluation of the evidence with respect to the Human Rights in Democracy Center report, contrasting this with what was said in the European Commission figures cited in the CPIN.
6. I agree with the submissions made by the representatives. There are material errors of law in the judge's decision as set out above, and they are of an extent, in particular with regard to the need for findings to be made on the evidence, that it is a proper case for remittal for a full rehearing in the First-tier Tribunal in Taylor House and I so direct. To that extent, the appeal is allowed.

Notice of Decision

The appeal is allowed, to the extent set out above.

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 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.



Signed

Date 9 September 2021

Upper Tribunal Judge Allen