



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

Appeal Number: PA/12969/2016

THE IMMIGRATION ACTS

**Heard at Centre City Tower, Decision & Reasons Promulgated
Birmingham**

On 11 September 2017

On 13 September 2017

Before

DEPUTY UPPER TRIBUNAL JUDGE MONSON

Between

**BC (ALBANIA)
(ANONYMITY DIRECTION MADE)**

Appellant

and

SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Mr J. Fraczyk, Counsel instructed by Fountain Solicitors
For the Respondent: Mr G. Bates, Senior Home Office Presenting Officer

DECISION AND REASONS

1. The appellant appeals to the Upper Tribunal from the decision of the First-tier Tribunal (Judge Juss sitting at Sheldon Court, Birmingham on 19 January 2017) dismissing her appeal against the decision of the Secretary of State to refuse her protection claim, although it was accepted by the Competent Authority that she had been a victim of trafficking for sexual purposes. While the First-tier Tribunal did not make an anonymity

direction, and I was not asked to make one, I consider that the appellant should be accorded anonymity as a vulnerable person who was the victim of rape and now has mental health problems (it being accepted by Judge Juss that the appellant was forced into prostitution and now has mental health problems).

The Reason for the Grant of Permission to Appeal to the Upper Tribunal

2. On 13 July 2017, a First-tier Tribunal Judge granted the appellant permission to appeal for the following reason:

It is arguable that the Judge has misdirected himself by accepting all of the Appellant's arguments but in the notice of decision has dismissed the Appellant's appeal.

Reasons for Finding an Error of Law

3. Rule 31 of the Tribunal Procedure Rules 2014 provides that the Tribunal may at any time correct any clerical mistake or any accidental slip or omission in a decision, direction or any document produced by it, by – (a) providing notification of the alleged decision or direction, or a copy of the amended document to all parties; and (b) making any necessary amendment to any information published in relation to the decision, direction or document.
4. There is a clear error “on the face of the record” as all the Judge’s reasoning points towards the appeal being allowed, and it is only in the formal conclusion at the end that he notifies his decision to dismiss the appeal. I am satisfied that if the anomaly in the Notice of Decision had been drawn to his attention, he would have corrected it to say that he was allowing the appeal. I am certain that this is what he intended to say.
5. The Specialist Appeals Team rightly accepted in their Rule 24 Response that the decision was vitiated by a material error of law, and that it should be set aside and remade.

The Remaking of the Decision

6. Mr Bates did not oppose the decision being remade in the Appellant’s favour. The Judge has given adequate reasons for finding that the Appellant faces a real risk of persecution on return to Albania, including but not limited to a real risk of re-trafficking, bearing in mind her particular risk profile and her vulnerability, and having regard *inter alia* to Para (h) of **TD and AD (trafficked women) (CG) [2016] UKUT 92 (IAC)**.

Notice of Decision

The decision of the First-tier Tribunal contained an error of law, and accordingly the decision is set aside and the following decision is substituted: the appellant’s appeal is allowed on protection and human rights grounds.

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 12 September 2017

Judge Monson

Deputy Upper Tribunal Judge

TO THE RESPONDENT
FEE AWARD

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

Signed

Date 12 September 2017

Judge Monson

Deputy Upper Tribunal Judge