



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

Appeal Number: PA/04648/2016

THE IMMIGRATION ACTS

**Heard at Glasgow
On 28th September 2018**

**Determination issued
On 5th October 2018**

Before

UPPER TRIBUNAL JUDGE MACLEMAN

Between

D T D

and

Appellant

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

For the Appellant: no appearance

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

DETERMINATION AND REASONS

1. The SSHD refused the appellant's protection claim for reasons given in a decision dated 19 April 2016.
2. FtT Judge David C Clapham SSC dismissed the appellant's appeal by a decision promulgated on 15 February 2017.
3. The appellant's grounds of appeal to the UT are set out in an application to the FtT dated 1 March 2017 and in an application made to the UT dated 19 June 2017.

4. The UT granted permission by a decision dated 2 March 2018, “in light of the interlocutor of the Lord Ordinary”.
5. Notice of the hearing was issued on 28 August 2018 to the appellant and to her representatives. Her representatives advised on 12 September that they were no longer instructed. The appellant did not appear and was not represented at the hearing. Neither the UT had received any communication from her. The hearing proceeded in her absence.
6. Mr Govan conceded that the FtT’s decision errs in law, in particular by taking the view that the FtT was not concerned with the trafficking claim, a process which the appellant alleged to have started in Vietnam, and that an entirely fresh hearing was required.
7. It may be that the appellant has no further interest in pursuing her appeal. However, rather than proceeding immediately to dismiss it, that will be a matter for the FtT to consider, taking account of whether she chooses to participate.
8. The decision of the FtT is set aside. It stands only as a record of what was said at the hearing. Under section 12 of the 2002 Act and Practice Statement 7.2 the case is remitted to the FtT for an entirely fresh hearing.
9. The member(s) of the FtT chosen to consider the case are not to include Judge Clapham.
10. The anonymity direction made by the FtT is maintained.



28 September 2018
Upper Tribunal Judge Macleman