



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

Appeal Number: PA/13347/2018

THE IMMIGRATION ACTS

**Heard at Cardiff Civil Justice Centre
On 13 June 2019**

Decision & Reasons Promulgated

On 27th June 2019

Before

UPPER TRIBUNAL JUDGE GRUBB

Between

**E D
(ANONYMITY DIRECTION MADE)**

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Ms C Zapata Besso instructed by Migrant Legal Project (Cardiff)

For the Respondent: Mr C Howells, Senior Home Office Presenting Officer

DECISION AND REASONS

1. Pursuant to rule 14 of the Tribunal Procedure (Upper Tribunal) Rules 2008 (SI 2008/2698) I make an anonymity order prohibiting the disclosure or publication of any matter likely to lead to members of the public identifying the appellant. A failure to comply with this direction could lead to Contempt of Court proceedings.
2. The appellant is a citizen of Albania who was born on 20 May 2001. He entered the United Kingdom illegally on 8 March 2017 and claimed

asylum. The basis of his claim was that he had been trafficked to the UK by a Belgian.

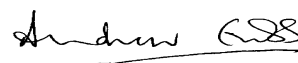
3. On 8 November 2018, the Secretary of State refused the appellant's claims for asylum, humanitarian protection and on human rights grounds.
4. The appellant appealed to the First-tier Tribunal. In a determination sent on 7 February 2019, Judge Powell dismissed the appellant's appeal on asylum and humanitarian protection grounds but allowed the appeal under Art 3 of the ECHR.
5. The appellant appealed to the Upper Tribunal against the First-tier Tribunal's decision to dismiss his appeal on asylum and humanitarian protection grounds.
6. On 12 March 2019, the First-tier Tribunal (Judge O'Garro) granted the appellant permission to appeal.
7. Prior to the hearing of the appeal, on 20 May 2019 the Competent Authority under the National Referral Mechanism made a Conclusive Grounds decision in the appellant's favour that, on a balance of probabilities, he was the victim of modern slavery, namely that he had been trafficked to the UK for the purposes of forced labour.
8. At the hearing before me, Mr Howells accepted that the judge had materially erred in law in dismissing the appellant's asylum and humanitarian protection claims based upon his claim that he had been trafficked to the UK. He accepted that the appellant had, in the light of the Conclusive Grounds decision, been trafficked to the UK.
9. Together with Ms Zapata Besso, who represented the appellant, Mr Howells invited me to remit the appeal to the First-tier Tribunal in order to remake the decision in respect of the appellant's claim based upon him being a victim of trafficking. The issue on remittal would be what, if any, risk there was to the appellant on return to Albania, including the risk of re-trafficking; the issue of sufficiency of protection; and internal relocation.
10. Both representatives accepted that the judge's decision to allow the appeal under Art 3 should stand (including his findings in para 53) and any findings either expressly or impliedly referred to in that para. Further, the judge's finding at [22]-[23] that the appellant, as a victim of trafficking, was a member of a particular social group should also stand.

Decision and Disposal

11. In the light of these matters, I am satisfied that the decision of the First-tier Tribunal to dismiss the appellant's appeal on asylum and humanitarian protection grounds involved the making of an error of law. That decision is set aside.
12. The judge's decision to allow the appellant's appeal under Art 3 stands.

13. In remaking the decision, the judge's findings in para [53] in relation to Art 3, together with any findings expressly or impliedly referred to there shall be preserved. Likewise, the judge's finding at paras [22]-[23] that the appellant, as a victim of trafficking, is a member of a PSG is also preserved.
14. The issues before the judge on remittal will be what, if any, risk there is on return for the appellant to Albania, including a risk of re-trafficking; whether a sufficiency of protection is available to him against any risk; and whether he could safely and reasonably internally relocate within Albania.
15. This appeal is, consequently, remitted to the First-tier Tribunal on that basis to be heard by a judge other than Judge Powell.

Signed



A Grubb
Judge of the Upper Tribunal