



**Upper Tribunal
(Immigration and Asylum Chamber) Appeal Number: PA/04295/2019 (P)**

THE IMMIGRATION ACTS

**Decided without a hearing
On the 14th June 2021**

**Decision & Reasons Promulgated
On the 28th June 2021**

Before

UPPER TRIBUNAL JUDGE NORTON-TAYLOR

Between

**TM
(ANONYMITY DIRECTION MADE)**

Appellant

and

SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

**This appeal has been decided without a hearing pursuant to rule 34 of
the Tribunal Procedure (Upper Tribunal) Rules 2008**

Pursuant to Rule 14 of the Tribunal Procedure (Upper Tribunal) Rules 2008, I make an anonymity order. Unless the Upper Tribunal or a Court directs otherwise, no report of these proceedings or any form of publication thereof shall directly or indirectly identify the appellant or members of his family. This direction applies to, amongst others, all parties. Any failure to comply with this direction could give rise to contempt of court proceedings.

DECISION AND REASONS

Introduction

- 1.** This is an appeal against the decision of First-tier Tribunal Judge Handley (“the judge”), promulgated on 2 August 2019. By that decision, the judge dismissed the appellant’s appeal against the respondent’s decision, dated 29 March 2019, refusing his protection human rights claims.
- 2.** The First-tier Tribunal refused permission to appeal, as did the Upper Tribunal. The latter decision was challenged by judicial review proceedings in the Court of Session. By a decision dated 26 May 2020, the refusal of permission by the Upper Tribunal was reduced. Permission to appeal to the Upper Tribunal was then granted by the Vice-President on 8 February 2021 in light of the Interlocutor and the Joint Minute.
- 3.** Subsequent to this, the respondent provided a rule 24 response. This confirmed that she was not opposing the appellant’s appeal and invited the Upper Tribunal to remit the case to the First-tier Tribunal to be re-heard before a different judge.
- 4.** By correspondence received by the Upper Tribunal on 10 June 2021, the appellant’s representatives confirmed that he was amenable to this course of action, asked that the error of law hearing, listed for 30 June 2021, be vacated, and that a written decision be issued in due course.
- 5.** I have considered all the documents on file and concluded that I can fairly dispose of this appeal without the need for a hearing, pursuant to rule 34 of the Upper Tribunal’s procedure rules.

Conclusion on error of law

- 6.** I shall deal with this matter briefly, given the position of the parties and my own conclusion that the grounds of appeal are made out and that the respondent was right to have conceded this.
- 7.** For the reasons set out in the detailed grounds of appeal, I conclude that the judge failed to provide adequate reasons for concluding that the appellant would not be at risk of being re-trafficked. I also conclude that the judge failed to provide adequate reasons in respect of the issues of state protection and internal relocation.
- 8.** It is clear that the errors were material to the outcome of the appeal and I exercise my discretion and set the judge’s decision aside.

Disposal

- 9.** It is, in the circumstances of this case, appropriate to remit the appeal to the First-tier Tribunal.

- 10.** The rehearing of the appeal by the First-tier Tribunal must start from the premise that the respondent has accepted that the appellant is a victim of trafficking (see paragraphs 33 and 43 of the reasons for refusal letter). All other relevant matters will fall for consideration.

Anonymity

- 11.** For reasons unknown, the First-tier Tribunal declined to make an anonymity direction. Given that this is a protection case and that proceedings are ongoing, I make such a direction.

Notice of Decision

- 12. The making of the decision of the First-tier Tribunal did involve the making of an error on a point of law.**
- 13. I exercise my discretion under section 12(2)(a) of the Tribunals, Courts and Enforcement Act 2007 and set aside the decision of the First-tier Tribunal.**
- 14. I remit the case to the First-tier Tribunal.**

Directions to the First-tier Tribunal

1. This appeal is remitted to the First-tier Tribunal;
2. The remitted hearing shall not be conducted by First-tier Tribunal Judge Handley;
3. The remitted hearing shall be conducted in light of what is said in this decision.

Signed: H Norton-Taylor
Upper Tribunal Judge Norton-Taylor

Date: 14 June 2021