



IN THE UPPER TRIBUNAL
IMMIGRATION AND ASYLUM CHAMBER

Case No: UI-2023-003075

First-tier Tribunal No: PA/55043/2022
LP/00325/2023

THE IMMIGRATION ACTS

**Decision & Reasons Issued:
On 24 June 2024**

Before

UPPER TRIBUNAL JUDGE OWENS

Between

**HP
(ANONYMITY ORDER MADE)**

Appellant

and

SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Mr Yeo, Counsel instructed by Migrant Legal Project
For the Respondent: Miss Rushforth, Senior Presenting Officer

Heard at Cardiff Civil Justice Centre on 14 June 2024

**Pursuant to rule 14 of the Tribunal Procedure (Upper Tribunal) Rules 2008,
the appellant is granted anonymity.**

**No-one shall publish or reveal any information, including the name or
address of the appellant, likely to lead members of the public to identify the
appellant. Failure to comply with this order could amount to a contempt of
court.**

DECISION AND REASONS

1. The appellant appeals with permission against the decision of First-tier Tribunal Judge Lloyd Lawrie sent on 2 July 2023 dismissing her appeal against the respondent's decision dated 25 October 2022 refusing her protection and human rights claim.

2. The judge found that the appellant was not at risk of serious harm if returned to Vietnam because her credibility was undermined. He found that she was not a victim of child trafficking or loan sharks and that she would not be at risk of re-trafficking on return.
3. The grounds of appeal assert that, despite evidence being submitted that the appellant has complex PTSD, the judge failed to treat her as a vulnerable witness and failed adequately to take into account her vulnerability when assessing the credibility of her claim. The grounds also assert that the judge failed to make any reference to the expert report adduced in support of the appeal.
4. Permission was granted by First-tier Tribunal Judge Chohan on the basis that the judge made no reference to the expert report and that had the judge considered it this may have made had a material impact on the outcome of the appeal. The judge indicated in the reasoning section of the permission grant her view that Grounds 1 did not have substance but she did not expressly limit the grant of permission. I am therefore satisfied that permission was granted on all grounds.
5. At the outset of the error of law hearing, Ms Rushforth, for the respondent indicated that the respondent had prepared a rule 24 response, conceding that ground 2 was made out. It is accepted that the judge failed to have regard to the expert report and that this infected the entire decision. She submitted that the appeal should be set aside in its entirety and remitted to the First-tier Tribunal to be reheard. Mr Yeo was in agreement with this course of action.
6. I am satisfied that the respondent's concession is entirely appropriate. The judge manifestly failed to address the lengthy and detailed expert report prepared by Dr Tran. This addressed the credibility of the appellant's claim to be trafficked and her individual profile as well as specific issues arising from the appeal, for instance the use of the mobile phone and how victims are coerced into being trafficked. This in my view infects all of the findings in the decision which must as a result be set aside in its entirety.
7. I am also satisfied that Ground 1 is made out. The judge did not identify the appellant as a vulnerable witness despite the medical evidence that she has complex PTSD and did not record what reasonable steps had been put into place to assist her to give evidence. The local authority accepted her to be a minor on her arrival in the UK. The appellant disclosed that she had been raped on her way to the UK when she was underage and manifestly had difficulty recounting further experiences of alleged sexual exploitation. Although the judge did assert that he had taken her age and vulnerability into account I am not satisfied that he substantively dealt with this vulnerability when assessing the credibility of her claim.

8. I am therefore satisfied that the decision contained errors of law which are material because they are capable of affecting the outcome of the appeal. The decision is therefore set aside in its entirety with no findings preserved.
9. Both representatives agreed that the appeal should be remitted to the First-tier Tribunal because of the extent of the factual findings which need to be made and out of fairness to the appellant.

Notice of Decision

10. The decision of the First-tier Tribunal involved the making of an error of law.
11. The decision of the First-tier Tribunal is set aside in its entirety with no findings preserved.
12. The decision is remitted to the First-tier Tribunal for a de novo hearing at Newport before a judge other than First-tier Tribunal Judge Lloyd-Lawrie.

R J Owens

Judge of the Upper Tribunal
Immigration and Asylum Chamber

14 June 2024