



IN THE UPPER TRIBUNAL
IMMIGRATION AND ASYLUM CHAMBER

Case No: UI-2024-003795

First-tier Tribunal No: PA/54209/2023

THE IMMIGRATION ACTS

Decision & Reasons Issued:

On 23rd of October 2024

Before

UPPER TRIBUNAL JUDGE DANIEL SHERIDAN

Between

AD
(ANONYMITY DIRECTION MADE)

Applicant

and

Secretary of State for the Home Department

Respondent

Representation:

For the Appellant: Ms Imamovic, Counsel instructed by Connaughts Law
For the Respondent: Mr Terrell, Senior Home Office Presenting Officer

Heard at Field House on 18 October 2024

Order Regarding Anonymity

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 respondent conceded the appeal and the parties were in agreement that the case should be remitted to the First-tier Tribunal to be decided afresh. As the parties are in agreement, my written decision, which summarises the decision I gave at the hearing, will be brief.

2. The appellant is a citizen of Albania who claims to have been trafficked from Albania (by a man who tricked her into believing he was her boyfriend) and forced into prostitution in France.
3. The appellant is appealing against a decision of Judge of the First-tier Tribunal Young-Harry (“the judge”) dated 26 May 2024.
4. In the decision, the judge noted that there had been a positive conclusive grounds decision by the respondent, and stated that he accepted it. The judge also found that the appellant had not been trafficked from Albania and, whilst in France, “fell into the hands of the trafficking gang”: see paragraph 20 of the decision.
5. The difficulty with the judge’s finding in paragraph 20 – that the appellant was not trafficked from Albania and “fell into” the hands of traffickers in France – is that, as acknowledged by Mr Terrell at the hearing, the minutes of the conclusive grounds interview unambiguously show that the respondent accepted that the appellant was trafficked from Albania. It follows that if the judge accepted the conclusive grounds decision there was no basis to not accept that the appellant was trafficked from Albania as she claimed. This misunderstanding of the scope of the conclusive grounds decision – which appears primarily to be the result of the respondent failing to disclose relevant information about the conclusive grounds decision prior to the First-tier Tribunal hearing – renders the judge’s assessment of the credibility of the appellant’s account unsafe.
6. Both parties submitted – and I accept – that this case falls within the exception set out in paragraph 7(2)(a) of the Practice Statement to the general principle that cases should be retained in the Upper Tribunal for remaking.

Notice of Decision

7. The decision of the First-tier Tribunal involved the making of an error of law and is set-aside. The appeal is remitted to the First-tier Tribunal to be made afresh by different judge.

Upper Tribunal Judge Sheridan

Judge of the Upper Tribunal
Immigration and Asylum Chamber

22.10.2024