



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

Appeal Number: PA/01639/2019

THE IMMIGRATION ACTS

**Heard at Field House
On 19th June 2019**

**Decision & Reasons Promulgated
On 28 June 2019**

Before

DEPUTY UPPER TRIBUNAL JUDGE LEVER

Between

**Y I
(ANONYMITY DIRECTION MADE)**

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Mr J Collins of Counsel

For the Respondent: Mr S Walker, Senior Presenting Officer

DECISION AND REASONS

Introduction

1. The Appellant, born on 26th March 1986, is a citizen of Albania. The Appellant was represented by Mr Collins of Counsel. The Respondent was represented by Mr Walker, a Senior Presenting Officer.

Substantive Issues under Appeal

2. The Appellant had made application for asylum and that application had been refused by the Respondent on 6th February 2019. She had appealed that decision and her appeal was heard by First-tier Tribunal Judges Kelly and Dunne sitting as a panel at Bradford on 21st March 2019. They had dismissed the Appellant's appeal.
3. Application for permission to appeal was made on behalf of the Appellant and granted on 14th May 2019 by the First-tier Tribunal on the basis that the panel arguably did not correctly or adequately direct itself in respect of the country guidance decision in **TD and AD CG [2016] UKUT 00092**. Directions were issued for the Upper Tribunal firstly to decide whether an error of law had been made by the First-tier Tribunal and the matter comes before me in accordance with those directions.


Decision

4. Mr Walker fairly and properly accepted that a material error of law had been made by the judges in their failure to properly consider the case of **TD and AD CG [2016] UKUT 00092** when considering the potential risk on return to the Appellant of being re-trafficked and any potential relocation and other features; particularly given the general acceptance of the Appellant's credibility and her case that she had indeed been the victim of trafficking.
5. A material error of law was made by the panel in this case and I set aside the decision of the First-tier Tribunal and direct that the case be heard afresh in the First-tier Tribunal not before either Judges Kelly or Dunne.
6. An anonymity direction is made.

Direction Regarding Anonymity - Rule 14 of the Tribunal Procedure (Upper Tribunal) Rules 2008

Unless and until a Tribunal or court directs otherwise, the Appellant is granted anonymity. No report of these proceedings shall directly or indirectly identify her or any member of her family. This direction applies both to the Appellant and to the Respondent. Failure to comply with this direction could lead to contempt of court proceedings.

Signed



Deputy Upper Tribunal Judge Levèr

Date

