



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

Appeal Number: PA/04308/2018

**THE IMMIGRATION ACTS**

**Heard at Bradford**

**On 30 April 2019**

**Decision & Reasons  
Promulgated  
On 07 May 2019**

**Before**

**UPPER TRIBUNAL JUDGE LANE**

**Between**

**MIRJANA [M]  
(ANONYMITY DIRECTION NOT MADE)**

Appellant

**and**

**THE SECRETARY OF STATE FOR THE HOME DEPARTMENT**

Respondent

**Representation:**

For the Appellant: Mr Hussain

For the Respondent: Mrs Pettersen, Senior Home Office Presenting Officer

**DECISION AND REASONS**

1. The appellant claims to have been born on [~] 1988 and is a female citizen of Albania. She the United Kingdom in January 2016 claimed asylum. Her two sons are dependent upon her claim; one was born in 2011 in Albania, the other born in August 2016 in the United Kingdom. The Secretary of State refused to grant her international protection by a decision which is dated 15 February 2018. She appealed to the First-tier Tribunal which, in a decision promulgated on 20 December 2018,

dismissed the appeal. The appellant now appeals, with permission, to the Upper Tribunal.

2. Both representatives at the initial hearing told me that both parties consider the judge's decision to be flawed by legal error such that it should be set aside. In particular, the judge has, for reasons which are unclear, gone behind the trafficking decision which both parties had accepted. The judge's decision to do so was not notified to the representatives at the First-tier Tribunal hearing. First, the judges given no reason at all for rejecting the appellant's claim that she had been trafficked, a claim which the Secretary of State accepted. Secondly, the judge has perpetrated a procedural irregularity by making a finding on a matter which both parties believed had been agreed and which the judge had not raised with the parties at the hearing. In addition, at [48] the judge has made a number of unfortunate statements which appear to be without any justification and which cast serious doubt upon the quality of his analysis. Given the nature of the errors, there is no alternative but for the appeal to be returned to the First-tier Tribunal for that tribunal to remake the decision.

### **Notice of Decision**

The decision of the First-tier Tribunal is set aside. None of the findings of fact shall stand. The appeal is returned to the First-tier Tribunal (not Judge NMK Lawrence) for that tribunal to remake the decision.

Signed

Date 1 MAY 2019

Upper Tribunal Judge Lane