



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

Appeal Number: PA/11582/2017

**THE IMMIGRATION ACTS**

**Heard at Field House  
On 19 April 2018**

**Decision &  
Promulgated  
On 20 April 2018**

**Reasons**

**Before**

**DEPUTY UPPER TRIBUNAL JUDGE SAFFER**

**Between**

**IC  
(ANONYMITY ORDER MADE)**

Appellant

**and**

**SECRETARY OF STATE FOR THE HOME DEPARTMENT**

Respondent

**Representation:**

For the Appellant: Mrs N Ahmed of Counsel

For the Respondent: Miss Z Ahmed a Home Office Presenting Officer

**DECISION AND REASONS**

1. The brevity of this decision is due to the commendable focus of the Representatives and narrowness of the issue.

Preliminary matter

2. Pursuant to Rule 14 of the Tribunal Procedure (Upper Tribunal) Rules 2008 (SI 2008/269) 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 IC or any of her family members. This direction applies to, amongst others, all parties. Any failure to comply with this direction could give rise to Contempt of Court proceedings. I do so in order to preserve the anonymity of IC whose claim to have been forced into prostitution and trafficked form a core part of the case yet to be determined.

### Background

3. The Respondent refused IC's application for asylum or ancillary protection on 26 October 2017. Her appeal against this was dismissed by First-tier Tribunal Judge Lawrence ("the Judge") following a hearing on 8 December 2017.

### The grant of permission

4. Judge Baker granted permission to appeal (25 January 2018) as it is arguable that the Judge materially erred in failing to consider the claims to have been forced into prostitution and to have been trafficked.

### Respondent's position

5. No rule 24 notice was issued. Miss Z Ahmed conceded that the only time the Judge considered the issues of being forced into prostitution and trafficked was when he rejected those accounts in [21] by simply saying she was not trafficked, handed over, or sold on. There was no consideration of her evidence, and no reasons given for the decisions. That is plainly a material error of law.

### Discussion

6. Given the concession made by the Respondent, and having considered it myself, I am satisfied that a material error of law occurred in that 2 of the 3 grounds of the claim have been rejected without being adequately considered.
7. I noted that the finding that IC had not been the subject of abuse by her step-father had not been challenged in the grounds seeking permission to appeal. I was not asked to open up that issue. Even if I had have been, I would have refused to do so, as it is clear from reading the decision that the Judge gave multiple, cogent, and sustainable findings for that conclusion. Accordingly, the findings in [9] to [20] stand.
8. Given these findings, I am also satisfied having heard from the representatives that it is appropriate to remit the matter for a new hearing on the issues of being forced into prostitution and trafficked, as the errors go beyond those contained within the Presidential Guidance for retention in the Upper Tribunal.

Decision:

The making of the decision of the First-tier Tribunal did involve the making of an error on a point of law.

I set aside the decision.

I remit the matter to the First-tier Tribunal for a new hearing with the findings at [9] to [20] being preserved, but not before Judge Lawrence as he appears to have made his mind up on the outstanding issues without considering the evidence.

Deputy Upper Tribunal Judge Saffar  
19 April 2018

A handwritten signature in black ink, appearing to read 'Saffar', written over the printed name of the judge.