



IN THE UPPER TRIBUNAL
IMMIGRATION AND ASYLUM
CHAMBER

Case No: UI-2024-003325

First-tier Tribunal Nos: PA/56555/2023
LP/00549/2024

THE IMMIGRATION ACTS

Decision & Reasons Issued:
On 5th of November 2024

Before

DEPUTY UPPER TRIBUNAL JUDGE CHAPMAN

Between

TN
(ANONYMITY ORDER MADE)

Appellant

v

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: No appearance

For the Respondent: Ms S Cunha, Home Office Presenting Officer

Heard at Field House on 1 October 2024

Order Regarding Anonymity

Pursuant to rule 14 of the Tribunal Procedure (Upper Tribunal) Rules 2008, [the appellant] (and/or any member of his family, expert, witness or other person the Tribunal considers should not be identified) 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 (and/or other person). Failure to comply with this order could amount to a contempt of court.

DECISION AND REASONS

1. The Appellant is a national of Thailand born on 2 October 1983. She arrived in the United Kingdom on 10 June 2019 as a tourist and subsequently claimed

asylum on the basis of having been subjected to trafficking by her stepfather for the purposes of sexual exploitation. The Secretary of State accepted that the Appellant had been subjected to trafficking for these reasons and issued both a positive reasonable grounds and a conclusive grounds decision.

2. The Appellant's asylum claim was made in March 2021 but was refused in a decision dated 8 September 2023. She appealed against that decision and her appeal came before Judge of the First-tier Tribunal Ficklin for hearing on 17 May 2024. In a decision and reasons promulgated on 5 June 2024, the judge dismissed the appeal, finding that whilst the Appellant's claims were plausible in respect of the trafficking aspect and that it was credible that her stepfather might continue to seek her, she did not find that the Appellant's stepfather could act with impunity throughout Thailand and thus the Appellant could internally relocate. The judge did not accept that the Appellant's stepfather was linked to any mafia in Thailand nor that he or they were responsible for murdering her boyfriend who was the father of her child.
3. Permission to appeal was sought against this decision on the basis that the judge failed to take account of material considerations, in particular, the fact the Appellant continues to suffer from symptoms resulting from mental and physical abuse at the hands of her stepfather; the Appellant's fear of repercussions from criminal gangs; the failure to make findings on criminal gangs' influence and reach in terms of internal relocation and that there were insufficient reasons for the decision. It was further asserted that the judge erred in failing to adjourn the appeal in order for the Appellant to have documents translated.
4. Permission to appeal was granted on the basis that:
 2. *The grounds submit that the Judge did not make findings on material issues when making an assessment of internal relocation.*
 3. *It is arguable the judge did not make findings on material matters that were relevant to the factors highlighted in AZ (Trafficked women) Thailand CG [2010] UKUT 118 (IAC) and also in light of the decision to treat the appellant as a vulnerable adult witness."*
5. At the hearing before the Upper Tribunal, Ms Cunha accepted that the judge had erred materially in law in failing to take account of the relevant factors set out in *AZ (op cit)* in particular, the Appellant's age, marital status and other material matters. She submitted the matter should be remitted to the First-tier Tribunal.

Decision and Reasons

6. I accept Ms Cunha's helpful concession that the First tier Tribunal Judge materially erred in law in failing to address her mind sufficiently to the factors set out in the country guidance decision in *AZ (Trafficked women) Thailand CG [2010] UKUT 118 (IAC)* and thus failed to make findings on material matters. I set aside that decision and remit the appeal for a hearing *de novo* before the First tier Tribunal.
7. Whilst there was no appearance by the Appellant at the hearing before the Upper Tribunal and the Appellant's solicitors had come off the record, I direct that a copy of this decision be sent both to the Appellant at the address on the Upper Tribunal file as well as to her former solicitors.

Rebecca Chapman

Deputy Judge of the Upper Tribunal
Immigration and Asylum Chamber

31 October 2024