



**UPPER TRIBUNAL
(IMMIGRATION AND ASYLUM CHAMBER)
AA/05185/2014**

APPEAL NUMBER:

THE IMMIGRATION ACTS

Heard at: Field House

**Decision and Reasons
Promulgated**

On: 10 June 2015

On: 02 July 2015

Before

DEPUTY UPPER TRIBUNAL JUDGE MAILER

Between

**MS ERMIRA HASSANI
NO ANONYMITY DIRECTION MADE**

Appellant

and

SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation

For the Appellant: Mr T D H Hodson, Elder Rahimi Solicitors

**For the Respondent: Mr E Tufan, Senior Home Office Presenting
Officer**

DECISION AND REASONS

1. The appellant appeals with permission against the determination of the First-tier Tribunal Judge Jones QC promulgated on 3 November 2014.
2. The appellant is a national of Albania, born on 30 August 1983. The appellant had appealed against an immigration decision of the respondent, served on 18 July 2014 to refuse her leave to enter the UK.

3. It was accepted that the appellant was a victim of trafficking. She had failed to claim asylum in Italy or France but there were a number of concessions made by the respondent and her claim was accepted in its entirety. The issues before the First-tier Tribunal related to sufficiency of protection and internal relocation.
4. The Judge proceeded on the basis that the core of her account concerning her being pressed into prostitution was to be accepted [27]. He found that there was not sufficient medical evidence justifying a finding that the appellant has any ongoing psychiatric or psychological problems. There was no objective evidence to support her contention that she would be at risk from her trafficker, George, upon return to Albania. [32] He found that the appellant is a “would be economic migrant” notwithstanding her troubled past [35].
5. It was contended in the grounds seeking permission to appeal that the Judge arguably erred in law in failing to properly consider those issues in the light of these concessions as to her credibility. Moreover, the background evidence and country guidance was not considered. Nor were adequate reasons given for the conclusion that there was no evidence that she could not live independently in Tirana [34].
6. It was on this basis that permission to appeal was granted. There had been allegations made regarding alleged procedural impropriety.
7. On 1 May 2015, the respondent provided a response to the grounds of appeal under Rule 24. The respondent did not oppose the appellant's application for permission to appeal, and invited the Tribunal to consider referring the matter to the First-tier Tribunal for a full hearing on the relevant matters left as a consequence of the respondent's full acceptance of the appellant's credibility.
8. At the hearing on 10 June 2015, Mr Hodson considered the “invitation” with the appellant, who attended the hearing. He subsequently informed the Tribunal that the matter should, in the circumstances, be remitted to the First-tier Tribunal for a re-hearing. The parties accordingly agreed that the matter should be remitted to the First-tier Tribunal.
9. I have had regard to the President's Practice Statement regarding the issue of remitting an appeal to the First-tier Tribunal for a fresh decision. I am satisfied that the effect of the error has been to deprive the appellant of a fair and proper opportunity for her case to be properly put and considered by the First-tier Tribunal.
10. The appeal is accordingly remitted to the First-tier Tribunal (at Hatton Cross) for a fresh decision to be made on the issues of sufficiency of protection and internal relocation, having regard to the respondent's full acceptance of the appellant's credibility.

11. There is an agreed hearing date of 26 November 2015. The matter is consequently remitted to Hatton Cross. The time estimate is 2 hours. An Albanian interpreter is required.

Decision

The decision of the First-tier Tribunal involved the making of an error of law and is set aside. The case is remitted to the First-tier Tribunal (Hatton Cross) for a fresh determination to be made.

No anonymity direction was sought or made.

Signed

Date 10 June 2015

Deputy Upper Tribunal Judge Mailer