



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

Appeal Number: AA024362014

THE IMMIGRATION ACTS

**Heard at Royal Courts of Justice
On 4 May 2017**

**Decision & Reasons
Promulgated
On 30 May 2017**

Before

THE HONOURABLE MR JUSTICE COLLINS

Between

**CL
(ANONYMITY DIRECTION MADE)**

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Ms C Meredith of Counsel, instructed by Anti-Trafficking Labour

For the Respondent: Mr N Bramble, a Senior Home Office Presenting Officer of the Specialist Appeals Team

DECISION AND REASONS

1. This appeal must [be] allowed because Mr Bramble has very fairly recognised that the judge erred in the manner in which he dealt with the issue of trafficking, in particular the vulnerability of the appellant having regard to her present condition and the circumstances set out in the

expert's report in relation to the situation in Indonesia in the area from which she comes. It was accepted that she had a need to obtain sufficient money, which she would not be able to get in Indonesia, by working abroad and inevitably having regard to all the circumstances that would engage in domestic service. There is undoubtedly a risk of trafficking inasmuch as domestic servants are frequently employed in the Middle East or by, as occurred in this case, those who come from the Middle East and sadly their treatment of such as the appellant has been shown to be exploitative and thus to engage Article 4 of the Convention. I have been asked to indicate, and I know that when the matter is reheard it will be on the basis that there is no issue but that she has been the victim of trafficking and the issues that will have to be considered are whether there is a real risk if she were returned that she would be re-trafficked and thus there would be a breach of Article 4 of the European Convention on Human Rights, it being clear that paragraph 339C of the Rules is limited to Article 3 treatment and not treatment contrary to Article 4. Furthermore, it will be necessary for reconsideration to be given to the effect of the expert report and it may be two years on but it is desirable (but this is a matter for those advising the appellant) to obtain a further report which deals with her present mental condition because vulnerability may be an important aspect. Equally she has a claim under Article 8 and that also will have to be reconsidered when the matter is reheard.

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 him or any member of their 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

Date: 10 June 2017

Mr Justice Collins

TO THE RESPONDENT
FEE AWARD

If a fee has been paid, a fee award should be made.

A handwritten signature in black ink, appearing to be 'M. Collins', written in a cursive style.

Signed

Date: 10 June 2017

Mr Justice Collins