



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

Appeal Number: PA/03028/2017

THE IMMIGRATION ACTS

**Heard at Field House
On 21 January 2019**

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

Before

DEPUTY UPPER TRIBUNAL JUDGE APPLEYARD

Between

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Appellant

and

C V L

(ANONYMITY DIRECTION MADE)

Respondent

Representation:

For the Appellant: Mr C. Howells, Home Office Presenting Officer.

For the Respondent: Ms E. Daykin, Counsel.

DECISION AND REASONS

- 1.** The Appellant in this case is the Secretary of State for the Home Department. However, for the sake of clarity, I shall use the titles by which the parties were known before the First-Tier Tribunal with the Secretary of State referred to as “the Respondent” and C V L “the Appellant”.
- 2.** The Appellant is a citizen of Vietnam who made an application for international protection. It was refused and he appealed and following a hearing, and in a decision promulgated on 24 September 2018, Judge of the First-tier Tribunal Woolf allowed his appeal on both human protection grounds and human rights grounds.

3. The Respondent sought permission to appeal which was granted by Judge of the First-tier Tribunal Lambert in a decision dated 17 October 2018. Her reasons for so granting are as follows: -

“1. The Respondent seeks permission to appeal, in time, against a decision of the First-tier Tribunal (Judge Woolf) who, in a decision promulgated on 24/9/18 allowed on humanitarian protection and human rights grounds the Appellant’s appeal against the Secretary of State decision to refuse asylum.

*2. The grounds take issue with the finding made by the Judge that the Appellant had been trafficked to the United Kingdom from Vietnam, arguing failure in departing from the decision of the Competent Authority to adhere to the Court of Appeal guidance in *SSHD v MS(Pakistan) [2018] EWCA Civ 594*. The judge’s reasoning as to the trafficking issue is detailed and refers to expert evidence. However it does not deal with the Court of Appeal decision or the argument put forward by the Respondent, particularly with reference to paragraphs 74 and 77 of *MS*, so that the grounds are arguable.*

3. There is therefore an arguable error of law disclosed by the application.”

4. Thus, the appeal came before me today.
5. At today’s hearing Mr Howells handed up the Authority of **MN, R (on the application of) v SSHD & Anor [2018] EWHC 3268 (QB)**. Given the approach enunciated therein to trafficking appeals (the authority not being incompatible with **ES (S.82 NIA 2002; negative NRM) Albania [2018] UKUT 00335 (IAC)**), as cited in the Appellant’s Rule 24 response, it was conceded that there was no material error within the Judge’s decision and that the grounds seeking permission to appeal could not be made out.
6. That is an analysis I share.
7. The approach of the First-tier tribunal Judge in considering this appeal is consistent with relevant case law. It contains no material error.

Notice of Decision

The making of the decision did not involve the making of an error of law.

The appeal of the Respondent is dismissed and the decision of the First-tier Tribunal Judge is maintained.

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 4 February 2018.

Deputy Upper Tribunal Judge Appleyard