



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

Appeal Numbers: PA/08467/2019_P
HU/14765/2019_P
HU/14771/2019_P

THE IMMIGRATION ACTS

**Decided under Rule 34 without a hearing
On 12 January 2021**

**Decision & Reasons Promulgated
On 19 January 2021**

Before:

UPPER TRIBUNAL JUDGE GILL

Between

The Secretary of State for the Home Department

Appellant

And

**Miss MTV
Miss AKP
Master HGD**

Respondents

(ANONYMITY ORDER MADE)

Anonymity

I make an order under r.14(1) of the Tribunal Procedure (Upper Tribunal) Rules 2008 prohibiting the disclosure or publication of any matter likely to lead members of the public to identify the respondents. No report of these proceedings shall directly or indirectly identify them. This direction applies to both the appellant and to the respondents and all other persons. Failure to comply with this direction could lead to contempt of court proceedings.

I make this direction because the first respondent made a claim that she had been trafficked and also because the second and third respondents are children.

The parties at liberty to apply to discharge this order, with reasons.

DECISION

- 1.** I shall refer to Miss MTV hereafter as the "first claimant", Miss AKP as the second claimant and Master HGD as the third claimant.
- 2.** This is a decision on the papers without a hearing pursuant to paras 4 and 5 of the Senior President's "*Pilot Practice Direction: Contingency Arrangements in the First-tier Tribunal and Upper Tribunal*" (hereafter the "PPD") issued on 19 March 2020 on a pilot basis for a period of six months and extended subsequently for a further six months until 18 March 2021 and rule 34 of the Tribunal Procedure (Upper Tribunal) Rules 2008.
- 3.** By my Directions dated 5 November 2020 and sent to the parties on 12 November 2020 (hereafter the "*November 2020 Directions*"), I indicated to the parties my provisional view concerning the appropriate disposal of the Secretary of State's appeals. I gave detailed reasons

for my provisional view. I then issued directions which gave the parties an opportunity to make submissions and/or object to my provisional view.

4. Neither party made any submissions or objected within the periods specified in the November 2020 Directions. Nor have any objections or submissions been received to date.
5. In the period since the November 2020 Directions were issued, Fordham J delivered his judgment in R (JCWI) v The President of the Upper Tribunal (Immigration and Asylum Chamber) [2020] EWHC 3103 (Admin). I have considered the judgment. Fordham J did not find that the PPD was unlawful. Furthermore, the judgment in R (JCWI) did not concern cases in which the Upper Tribunal has indicated its provisional view(s) concerning the *disposal* of the appeal and invited submissions/objections, which is the subject of paras 4-5 of the PPD.
6. For the reasons given at paras 1 to 13 of the November 2020 Directions and at paras 4-5 above, **I dispose of the Secretary of State's appeals against the decision of the Judge to allow the appeals on human rights grounds as follows:**
 - i) That the Judge intended to allow the appeals of each of the claimants on human rights grounds and that the section of her decision under the heading "*Notice of decision*" should be read as follows:

"The first appellant's appeal is dismissed on asylum grounds.
The first appellant's is dismissed on humanitarian protection grounds.
The appeals of the appellants are allowed on human rights grounds (Article 8 of the ECHR only)."
 - ii) That the Secretary of State's appeal against the decision of the Judge to allow the second claimant's appeal is dismissed on the ground that she has abandoned her grounds of appeal insofar as they relate to the Judge's decision to allow the second claimant's appeal.
 - iii) That any error of law in the decision of the Judge to allow the appeals of the first and third appellants is not material and therefore the Secretary of State's appeals against the Judge's decision to allow their appeals is dismissed.

DECISION

7. **The First-tier Tribunal did not make any material error of law. The Secretary of State's appeals against the decision of the First-tier Tribunal to allow the appeals of the claimants are dismissed.**

Upper Tribunal Judge Gill

Date: 12 January 2021

NOTIFICATION OF APPEAL RIGHTS

1. A person seeking permission to appeal against this decision must make a written application to the Upper Tribunal. Any such application must be **received** by the Upper Tribunal within the **appropriate period** after this decision was **sent** to the person making the application. The appropriate period varies, as follows, according to the location of the individual and the way in which the Upper Tribunal's decision was sent:
2. Where the person who appealed to the First-tier Tribunal is **in the United Kingdom** at the time that the application for permission to appeal is made, and is not in detention under the Immigration Acts, the appropriate period is **12 working days (10 working days, if the notice of decision is sent electronically)**.
3. Where the person making the application is in detention under the Immigration Acts, **the appropriate period is 7 working days (5 working days, if the notice of decision is sent electronically)**.
4. Where the person who appealed to the First-tier Tribunal is **outside the United Kingdom** at the time that the application for permission to appeal is made, the appropriate period is **38 days (10 working days, if the notice of decision is sent electronically)**.
5. A "working day" means any day except a Saturday or a Sunday, Christmas Day, Good Friday or a bank holiday.
6. The date when the decision is "sent" is that appearing on the covering letter or covering email.