



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

Appeal Number: DA/00650/2012

**THE IMMIGRATION ACTS**

**Heard at Field House**

**On 14<sup>th</sup> June, 2013**

**Determination**

**Promulgated**

**On 3<sup>rd</sup> July 2013**

**Before**

**Upper Tribunal Judge Chalkley**

**Between**

**EBRU ALCIN**

**and**

Appellant

**THE SECRETARY OF STATE FOR THE HOME DEPARTMENT**

Respondent

**Representation:**

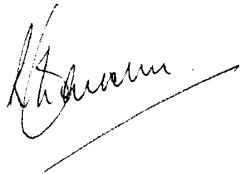
*For the Appellant: Mr I Burnett, Counsel instructed by Arlington Crown Solicitors*

*For the Respondent: Mr N Bramble, a Senior Home Office Presenting Officer*

## **DETERMINATION AND REASONS**

1. The appellant is a national of Turkey, who was born on 16<sup>th</sup> November, 1979. On 4<sup>th</sup> January, 2011, at Southwark Crown Court, she was convicted of five offences of what are described as 'controlling prostitution for gain'. She was sentenced to a term of two years' imprisonment. As a result of her conviction, on 4<sup>th</sup> September 2012, the respondent made her the subject of a Deportation Order under Section 32(5) of the UK Borders Act 2007. She appealed to the First-tier Tribunal and her appeal was heard by a panel of the Tribunal, (First-tier Tribunal Judge Callow sitting with Mr B Bompas) who in a determination dated 15<sup>th</sup> March, 2013, dismissed her appeal. She sought to challenge that determination and did so on the basis of the failure of the Tribunal to make clear properly reasoned findings.
2. At the hearing before me I indicated to Mr Bramble that without actually having reached any firm conclusion it did seem to me that the determination lacked clear findings. I pointed out that at paragraph 19 the Tribunal appeared to accept the need for making credibility findings, but then failed to make any. I told Mr Bramble that I was happy to be persuaded otherwise, but it appeared on the face of it at least that the determination was defective.
3. He drew my attention to paragraph 20 of the determination and to the basis of the appellant's claim that members of the appellant's family in Turkey would come to know that she has been convicted of managing brothels in the United Kingdom and that she is perceived to be a prostitute.
4. He also drew my attention to paragraph 28 where the panel concluded that since Turkey is a vast country with a large population the appellant can reasonably be expected to relocate to another part of Turkey. The Tribunal point out that it would not be unduly harsh for the appellant to be returned to Turkey. Mr Bramble accepted that the findings were brief, but suggested that the findings were adequate. He appeared to accept that the panel's findings in relation to private life in the United Kingdom were brief. I advised Mr Bramble that having heard his submissions, I very reluctantly had concluded that the determination could not stand.
5. There are no findings in relation to the appellant's private life at all, and reading the determination it appeared to me to be devoid of any clear findings of fact. I accept that there are some findings but, in my view they are wholly inadequate and, in the circumstances, I concluded that the correct course was for me to set aside the determination. Both representatives agreed that they had no objection to the matter being remitted to the First-tier Tribunal.

6. I am satisfied that this is a case which falls square within paragraph 7 of the Senior President's Practice Statement given the length of time the parties would have to wait for the matter to be re-listed before me at Field House and that it could conversely be heard relatively speedily by the First-tier Tribunal and, in view of the overriding objective in forming the onward conduct of this appeal, I decided that the appeal be remitted to the First-tier Tribunal for a hearing afresh before a First-tier Tribunal Judge other than First-tier Tribunal Judge Callow and if appropriate a Non-Legal Member other than Mr P Bompas.

A handwritten signature in black ink, appearing to read 'Chalkley', with a long horizontal stroke extending to the right.

Upper Tribunal Judge Chalkley