



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

Appeal Number: AA/02282/2014

THE IMMIGRATION ACTS

Heard at Field House

**Decision and Reasons
Promulgated**

On 28 July 2015

On 31 July 2015

Before

UPPER TRIBUNAL JUDGE STOREY

Between

MS YVONNE WANYU FLORA

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

DECISION AND DIRECTIONS

1. On 20 April 2015 the Court of Appeal allowed the appeal of the appellant against the decision of the Upper Tribunal dated 23 May 2014 and in the accompanying Statement of Reasons the Respondent accepted that both the First tier Tribunal and the Upper Tribunal had erred in law in failing to properly consider the Joint Presidential Guidance Note No 2 of 2010. In such circumstances it is inevitable that I record that the First-tier Tribunal erred in law and that this decision is set aside.
2. Given that the failure of the First tier Tribunal to consider the Joint Presidential Guidance Note No 2 Of 2010 arose in respect of persons claiming to have been a victim of rape, I apply the Senior President Practice Statement 7.2(a) and (b) which identifies as circumstances making it appropriate to remit an appeal to the First-tier Tribunal where (a) the effect of the error of law has been that a party has been

deprived of a fair hearing or other opportunity for that party's case to be put to and considered by the First-tier Tribunal; or (b), the nature or extent of any judicial fact-finding which is necessary in order for the decision in the appeal to be re-made is such that, having regard to the overriding objective in rule 2, it is appropriate to remit the case to the First-tier Tribunal".

3. Accordingly, pursuant to s.12 of the Tribunals, Courts and Enforcement Act 2007, read together with the above Practice Statement, I remit the case to the First-tier Tribunal with the direction that it not be dealt with by Judges Grimmett or Black.

Signed

Date

Dr H H Storey
Judge of the Upper Tribunal