



IAC-FH-CK-V1

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

Appeal Number: AA/04026/2014

THE IMMIGRATION ACTS

**Heard at Field House
On 14th September 2015**

**Decision & Reasons Promulgated
On 21st September 2015**

Before

DEPUTY UPPER TRIBUNAL JUDGE DAVIDGE

Between

**MS O A
(ANONYMITY DIRECTION MADE)**

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Miss M Knorr, Counsel instructed by Wilson Solicitors LLP
For the Respondent: Mr P Duffy, Home Office Presenting Officer

**DECISION AND REASONS
EX TEMPORE JUDGMENT**

1. The Appellant is a Nigerian national with a date of birth of 6th August 1973 who appeals with permission a decision of the First-tier Tribunal, Judge Paul, promulgated on 2nd January 2015 in which the judge dismissed the Appellant's appeal on asylum and international protection grounds.
2. The significant issue before the First-tier Tribunal arose from the judge's finding that the Appellant had been trafficked. At that time the Respondent Secretary of State had failed to complete the processes set

out in her trafficking policy and had not made a concluded decision on the issue of trafficking. It was argued in the grounds that the failure to follow her policy resulted in a misdirection by the judge, who should have found that the decision was not in accordance with the law for failure to follow policy, and it was on that principal basis that permission was granted to run this appeal before the Upper Tribunal.

3. Since that time matters have moved on because the Secretary of State has in fact reached a concluded decision to the point that the Appellant has indeed been trafficked. The Respondent Secretary of State has now granted the Appellant limited leave to remain.
4. Before me the parties' representatives were agreed that the First-tier Tribunal decision should be set aside in its entirety and remitted to the First-tier Tribunal with no findings preserved.
5. In the context of the remitted hearing I understand from Mr Duffy that it is likely that the Respondent will wish to look at the decision again in light of the concluded trafficking decision, and, in the event that she does so and determines that the Appellant should be granted status under the Refugee Convention, then I would invite the Secretary of State to advise the Tribunal at the earliest possibility so as to avoid any unnecessary court hearings at the First-tier.

Notice of Decision

The decision of the First tier tribunal is set aside and the appeal remitted to the First-tier Tribunal for hearing de novo.

Signed

Date

Deputy Upper Tribunal Judge Davidge