



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

Appeal Numbers: LP/00059/2020
[PA/50010/2020]

THE IMMIGRATION ACTS

Decided without a hearing

**Decision & Reasons
Promulgated
On 23 November 2021**

Before

UPPER TRIBUNAL JUDGE NORTON-TAYLOR

Between

**L K
(ANONYMITY DIRECTION MADE)**

Appellant

and

SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Pursuant to Rule 14 of the Tribunal Procedure (Upper Tribunal) Rules 2008, I make an anonymity order. Unless the Upper Tribunal or a Court directs otherwise, no report of these proceedings or any form of publication thereof shall directly or indirectly identify the appellant or members of his family. This direction applies to, amongst others, all parties. Any failure to comply with this direction could give rise to contempt of court proceedings.

**DECISION AND REASONS PURSUANT TO RULES 34 AND 40 OF THE
TRIBUNAL PROCEDURE (UPPER TRIBUNAL) RULES 2008**

Background

1. This is an appeal by a citizen of Albania born in 2000 against the decision of First-tier Tribunal Judge Cartin (“the judge”), promulgated on 26 March 2021. By that decision, the judge dismissed the appellant’s appeal against the respondent’s decision, dated 19 December 2019, refusing his protection and human rights claims.
2. In summary, the judge found that the appellant was a victim of trafficking (a Conclusive Grounds decision to that effect had already been made by the Competent Authority), that he was at risk from his father on return to Albania, but that there was no risk of re-trafficking and state protection and internal relocation were available.
3. The grounds of appeal are four-fold. Firstly, it is said that the judge erred in failing to grant an adjournment for the purpose of obtaining a psychiatric report. Secondly, the judge failed to take account of relevant evidence in respect of state protection and internal relocation, and in particular had not raised relevant issues at the hearing. Thirdly, the judge had erred in her approach to the meaning of persecution. Fourthly, the judge was wrong to have found that work experience accrued whilst the victim of slavery could assist the appellant in re-establishing himself in Albania.
4. Permission was granted by the First-tier Tribunal on all grounds. Following this, the respondent provided a rule 24 response, dated 30 April 2021. This confirmed that the respondent did not oppose the appellant’s appeal and invited the Upper Tribunal to find an error of law and then to remit the appeal to the First-tier Tribunal. When asked for further clarification on her position, the respondent confirmed, in an email dated 10 May 2021, that the remitted hearing should be conducted on a *de novo* basis.
5. The appellant’s representatives confirmed their agreement to this course of action in June 2021. Unfortunately, no action was taken by the Tribunal at that time. 5 November 2021 a notice of hearing was sent out to the parties. The appellant’s representatives then wrote to the Tribunal requesting that the appeal could be determined without the need for a hearing.

Method of disposal

6. Having considered the position of the parties, the overriding objective, and the need to ensure fairness in general, I have concluded that it is appropriate to decide the error of law question without a hearing, pursuant to rule 34 of the Tribunal Procedure (Upper Tribunal) Rules 2008. Given the parties’ agreement as to not only the error of law issue, but also the appropriate ‘next step’ in these proceedings, there is nothing to be gained by a hearing.

7. In addition, I have concluded that it is appropriate to issue a decision without providing reasons, pursuant to rule 40(3) of the Procedure Rules.

Decision on error of law

8. For the reasons set out in the grounds of appeal and in light of the respondent's concession, I conclude that the First-tier Tribunal has erred in law and that its decision must be set aside.
9. Given the nature of the grounds of appeal, together with the respondent's stated position, it is appropriate to remit this appeal to the First-tier Tribunal for a complete rehearing, with no preserved findings of fact.
10. It follows that the hearing currently listed in the Upper Tribunal for 2 December 2021 will be vacated.

Anonymity

11. The First-tier Tribunal made an anonymity direction and, in all the circumstances, it is appropriate to maintain that direction.

Notice of Decision

12. **The making of the decision of the First-tier Tribunal did involve the making of an error on a point of law.**
13. **I exercise my discretion under section 12(2)(a) of the Tribunals, Courts and Enforcement Act 2007 and set aside the decision of the First-tier Tribunal.**
14. **I remit the case to the First-tier Tribunal.**

Directions to the First-tier Tribunal

1. This appeal is remitted to the First-tier Tribunal (Taylor House hearing centre);
2. The remitted hearing shall be conducted on a *de novo* basis, with no preserved findings of fact;
3. That hearing shall be conducted by a First-tier Tribunal Judge other than Judge Cartin;

4. The First-tier Tribunal shall issue any further case management directions deemed appropriate.

Signed: H Norton-Taylor
Upper Tribunal Judge Norton-Taylor

Date: 17 November 2021