



Upper Tribunal  
(Immigration and Asylum Chamber)

Appeal Number: AA/05605/2012

**THE IMMIGRATION ACTS**

Heard at Field House  
On 7 January 2014

Determination Promulgated

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Before

UPPER TRIBUNAL JUDGE GLEESON

Between

MR A L  
(ANONYMITY ORDER MADE)

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

**Representation:**

For the Appellant: Mr P Turner, Counsel instructed by Biruntha Solicitors  
For the Respondent: Mrs Z Kiss, Senior Home Office Presenting Officer

**DECISION AND DIRECTIONS**

1. In this appeal the appellant challenges the determination of First-tier Tribunal Andrew promulgated on 3 August 2012 dismissing his asylum appeal.

2. Permission to appeal was granted by Designated Judge Shaerf on 24 August 2012 on the basis that the judge failed to engage with the evidence including the background evidence; failed to take account of the antiquity of the injuries claimed to have been inflicted on the appellant or the methods used by the Sri Lankan authorities; failed to take account of the extensive use of bribery by the Sri Lankan authorities and their allies; made inconsistent findings at paragraphs 28(f), (g) and (j); and at paragraph 28(k) applied the wrong standard and burden of proof. In addition at paragraph 28(m) the judge made a finding based at least in part on speculation. The most serious flaw in the determination is that the newspaper articles referred to in paragraph 28(n) are not considered and weighed.
3. On 28 January 2013, at the error of law hearing, I indicated at [8] that I considered the First-tier Tribunal's reasoning might well be inadequate. By agreement, my decision on all matters, including error of law, was reserved to allow for written submissions and such further documents as either party was advised to produce. After seeing those submissions, I listed the appeal for a further oral hearing on error of law and disposal. By agreement at that hearing, I find that the First-tier Tribunal's reasoning is inadequate and that the determination must be remade afresh in the First-tier Tribunal, at the Birmingham hearing centre or such other centre as may be directed.

**Directions**

- (1) The appeal will be heard in Birmingham on 28 April 2014, with a time estimate of one (1) day;
- (2) There will be three witnesses;
- (3) A Tamil interpreter is required.

Signed

Date

Upper Tribunal Judge Gleeson