



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

Appeal Number: AA/06314/2014

THE IMMIGRATION ACTS

**Heard at Field House
On 4 January 2016**

**Sent to parties on:
13 January 2016**

Before

UPPER TRIBUNAL JUDGE GLEESON

Between

**MOHAMED RIMSHARD THUWAN AGGIREEN
[NO ANONYMITY ORDER]**

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the appellant: Mr B Aboosalih, legal representative with Marsh & Partners solicitors

For the respondent: Mr T Melvin, a Senior Home Office Presenting Officer

DECISION AND REASONS

1. The appellant appeals with permission against the decision of the First-tier Tribunal dismissing his appeal against the respondent's refusal to grant him asylum, humanitarian protection or leave to remain on human rights grounds. He is a Sri Lankan citizen and a Muslim.

Immigration history

2. The appellant came to the United Kingdom in June 2009 as a Tier 4 (General) Student Migrant. He returned to Sri Lanka in October/November 2009, June 2009, and February 2013. He re-entered the United Kingdom on a Tier 4 Student visa on 20 September 2013, with leave to remain until 20 August 2014 on that basis. The appellant claimed asylum on 31 October 2013.

Asylum claim

3. The core of the appellant's asylum claim is that in September 2013, during the Sri Lankan Provincial Council elections, he worked as a media officer for a National Unity Alliance (NUA) candidate, Mr Azath Salley, and that he suffered persecutory ill-treatment at the hands of Mr Lohan Ratwatte, then the member of the Sri Lankan Parliament for the Kandy area.
4. The appellant claimed to fear persecution both from Mr Ratwatte, and from the Sri Lankan authorities, based on a Court summons said to have been issued against him on 4 September 2013 in the Magistrate Court of Kandy, which, in a translation prepared by I.G. Gimhani Tilakaratne, a sworn translator whose address is 43/1/2, Colombo Street Kandy, Sri Lanka, said as follows:

"30 September 2013. Allowing for communal riots in terms of Section 2(9) of Prevention of Terrorism Act No.48 of 1979. You are hereby ordered in the name of the Republic of Sri Lanka to appear before Kandy Magistrate Court on 30.09.2013 along with witnesses if any. As a complaint had been made today before the Magistrate undersigned to the effect that you have committed an offence punishable under Criminal Procedure Code (Chapter 15), requiring him to appear before that Court on 30 September 2013."

The document is recorded as signed on behalf of the Registrar of Magistrate Court Kandy.

First-tier Tribunal decision

5. The First-tier Tribunal accepted that the appellant had indeed acted as Mr Salley's media officer during the September 2013 Provincial Council election campaign. On the basis of the background information submitted by the appellant, the Judge also accepted that Mr Salley was a prominent Muslim politician who was arrested and detained by the previous regime in Sri Lanka for 8 days in May 2013, on Prevention of Terrorism Act charges which were subsequently withdrawn. He accepted to the lower standard the appellant's account of being attacked on 18 August 2013 and of subsequent threats, which neither the appellant nor Mr Salley regarded as serious. He considered there to be no reliable evidence of Mr Ratwatte being responsible for attacks on the appellant's home or the NUA party offices and that this was surmise on the appellant's part.

6. In the light of the appellant's general credibility, the Judge also accepted that the summons was genuine but noted that the appellant had left the country after it was issued, but before the date when the appellant was required to answer the summons. The Judge did not consider that the appellant was likely to have been on any alert list and found that he had probably left Sri Lanka on his own passport. There was no evidence of any warrant for his arrest issued since 2013. The Judge found, applying the country guidance of the Upper Tribunal in *GJ (post-civil war: returnees) Sri Lanka CG* [2013] UKUT 319 (IAC), that the appellant did not fall into any of the continuing risk groups and could return safely. He noted evidence from Mr Salley that he was now a high profile member of the Central Provincial Council who had promised to support the appellant in any way he could on return. If there were any outstanding politically motivated proceedings against him, the appellant would be able to use Sri Lanka's functioning, independent and impartial judiciary, including the services of a lawyer, to help him clear his name.
7. The asylum, humanitarian protection and Article 2 and 3 ECHR claims were dismissed. The appellant had made no Article 8 ECHR claim before the First-tier Tribunal.

Permission to appeal

8. The appellant sought permission to appeal. His grounds of appeal were settled by Mr Paul Turner of Mansfield Chambers, and relied principally on the risk accruing to the appellant under the Sri Lankan government in January 2015 by reason of what he described as an outstanding arrest warrant.
9. Permission to appeal was granted by Upper Tribunal Judge Holmes on the basis that there was no finding as to whether the appellant would be detained on return and if so, whether such detention would breach his Article 3 ECHR rights. In granting permission, Upper Tribunal Judge Holmes noted the political seniority of Mr Salley now, and his promised help for the appellant if he returned.

Procedural history before the Upper Tribunal

10. The appeal was listed to be heard on 5 March 2015. At that hearing, Mr Turner appeared for the appellant. He was by then acting for the appellant on a direct access basis, rather than as a member of Mansfield Chambers. Mr Turner relied on the risk to the appellant from failure to answer a summons for a serious matter. The appellant, although not a Tamil, was a Sri Lankan Moor and they were an ethnic group which was treated in the same manner as Tamils, in Mr Turner's submission.
11. For the respondent, Ms C Johnstone, a Home Office Presenting Officer, observed that the document in question appeared to be a summons, not a warrant, such that the appellant was unlikely to be on the airport alert lists. Elections were a tense time and nothing had come of the allegations

against Mr Salley, the appellant's principal. The Judge was entitled to find that the summons would not create a risk of detention.

12. There was discussion of the document relied upon by Mr Turner, a summons from the Kandy Magistrate Court. The English translation prepared in Sri Lanka was unclear as to the offence committed, referring to Chapter 15 of the Criminal Procedure Code: according to documents publicly available, the Sri Lankan Criminal Procedure Code has Sections, not Chapters, of which Section 15 specifies the length of imprisonment which a Sri Lankan Court can impose, a minimum of 7 days. It was possible that the reference was to Sri Lanka's Penal Code (as amended), which did have a Chapter 15, headed 'Offences Related to Religion'. It became clear that a professional translation was required, and Mr Turner agreed to obtain one. The hearing was adjourned, with Counsel's dates to be taken into account in re-fixing it.
13. The appeal was next listed for 27 October 2015. The appellant was represented again by Mr Turner, on a direct access basis, and the respondent by Mr Tony Melvin, a Senior Home Office Presenting Officer.
14. There was new evidence on both sides: the appellant had served a small supplementary bundle, consisting of a witness statement from the appellant, and three letters purporting to be from his lawyer, Mr I M Mawjood, Justice of the Peace and Unofficial Magistrate, dated 2 January 2014, 28 December 2014, and 13 April 2015, dealing with the charges and the risk relied upon. The bundle also contained a letter from Mr Salley on NUA headed notepaper, dated 26 December 2014, supporting the appellant's appeal. The respondent sought to rely upon a letter dated 3 July 2015, from the British High Commission (BHC) in Colombo, dealing with the reliability of letters of this type, but not specifically with the appellant's case before the Kandy Magistrate Court.
15. By agreement, the hearing was adjourned, to enable the parties to seek to establish whether the appellant was indeed a wanted man in relation to the September 2013 summons. Directions were given: the appellant was to submit a further translation of the alleged summons, together with any relevant further evidence, copies of the statutes mentioned therein, and a skeleton argument, within 28 days. The respondent was to have 42 days to file relevant further evidence (if so advised) and a skeleton argument. The appeal was then to be listed for half a day on the first available day after 6 weeks.
16. Neither party complied with the Upper Tribunal's directions in a timely manner although both had been represented at the 27 October 2015 hearing. There are no skeleton arguments to assist the Upper Tribunal today.
17. The respondent on 24 December 2015 served on the appellant a document verification report obtained on 10 December 2015, indicating that the signature on the purported summons was not one which their

records showed had ever been used by a Registrar at Kandy Magistrate Court. The document verification report stated that the summons was not genuine.

18. I have heard evidence today from Mr Jay Gajjar, who assists Mr Paul Turner in his direct access practice, to the effect that Mr Turner had misunderstood the directions agreed at the 27 October 2015 hearing and that thought his client was going to obtain the translation required. According to Mr Gajjar, who gave his evidence with his laptop open to enable him to check Mr Turner's records, two attempts were made to obtain a translation in late December 2015. On 28 December 2015, having seen the document verification report, the appellant withdrew his instructions from Mr Turner. Mr Turner does not appear to have written to the Upper Tribunal to say that he was no longer representing the appellant.
19. On 30 December 2015, the appellant instructed Marsh & Partners, who wrote to the Upper Tribunal the same day to say that they were awaiting the full file of papers from Mr Turner, but that Mr Turner "... is waiting to get translated the Summon, which now been alleged to have been challenged by the respondent ... We understand from our client and the limited documents provided by him that we do require to instruct an independent Lawyer or representative in Sri Lanka to check the authenticity of the Summon that was issued against our client by Sri Lankan Court in order to represent our client at the Upper Tribunal". The firm sought a further adjournment which was refused by Upper Tribunal Judge O'Connor on the basis that:

"The applicant has had ample opportunity to gather and produce evidence relevant to his appeal and has known about the hearing date since at least the 3 December. There have been a series of adjournments in this matter and at the hearing of 27 October 2015 directions were given for the production of evidence and skeleton arguments. Those directions have, without explanation, not been complied with and an explanation is also lacking as to why (i) solicitors have been instructed so late in the day and (ii) the evidence the appellant states he wishes to obtain has not already been obtained."

20. That was the basis on which the appeal came before me today.

Upper Tribunal hearing

21. At the hearing, Mr Aboosalih, a legal representative with Marsh & Partners, appeared for the appellant. Mr Jay Gajjar, Mr Turner's assistant, attended the hearing as a courtesy to the Upper Tribunal. Mr Aboosalih made a further application for an adjournment, which I refused, having regard to the overriding objective. This appeal has been adjourned too often already and the evidential issues are not new.

22. There was at the hearing no witness statement from Mr Turner to explain why the agreed directions from the 27 October 2015 hearing had not been complied with by him. I heard oral evidence from Mr Gajjar in which he said that he had conducted this matter only as an assistant to Mr Turner. His understanding was that Mr Turner thought the appellant had agreed to provide the translation and that at some later date when Mr Turner realised that was not the case, Mr Gajjar had been instructed, on 28 December 2015, to order an urgent translation. Mr Turner had not been instructed since, he thought, approximately 30 December 2015. Following receipt by Mr Turner of the document verification report on 24 December 2015, the appellant had given explicit instructions to withdraw the translation instruction, and Mr Gajjar had carried out that instruction on 30 December 2015.
23. Mr Gajjar's evidence does not assist me in discovering why no skeleton argument was prepared for this appeal, which was among the directions given.
24. In addition, without objection from Mr Melvin, I gave Mr Turner the opportunity to produce a witness statement from by 2 p.m. today in order to assist me as to the procedural aspects of this appeal. At 2.27 p.m. a draft witness statement was faxed through to the Upper Tribunal, unsigned and undated. It is not clear whether Mr Turner has seen and approved the document. The material parts of the draft statement are as follows:
 - “3. Following the hearing on 27 October 2015, there was some confusion in which I was under the impression that the appellant would be obtaining his own translation from a translator in the United Kingdom as my instructions under the direct access scheme did not cover obtaining a translation in compliance with the order and nor was I put in funds for the same.
 4. I advised the appellant on 30 November 2015 of a fee for having the documents translated. Following some discussion as to the terms of payment and instalments, I was placed in funds.
 5. On 22 December 2015, a request was made to an individual translator in order to have the summons translated for the hearing on 4 January 2016. Sadly, it became apparent on 24 December 2015 the translator was not going to be in a position to provide the documents in a timely manner.
 6. On 24 December 2015, I also received a request from Mr Melvin on behalf of the Secretary of State enclosing a document verification report in which the documents were considered as 'not genuine'. I immediately forwarded a copy of this document to the appellant and advised him ... The appellant requested time in order to consider his position.

7. ... On 30 December 2015, the appellant explicitly instructed that I withdraw the translation and seek a refund in light of the document verification report and I did the same.”

25. I have excluded from my excerpts from this statement matters concerning the advice given by Mr Turner to the appellant, which are not a matter for the Upper Tribunal and to which I have had no regard. As the document is unsigned, I can give it only limited weight, but even on that basis, I am concerned that the question of financing the translation of a few lines of summons held up any attempt to comply with the directions until after the agreed period of 28 days had elapsed. I do not consider that a reasonable excuse has been provided for the failure of the appellant and his representatives to seek promptly to obtain the translation, nor that the very late change of representation is a proper reason for the prior non-compliance by the appellant.
26. I have examined with anxious scrutiny the evidence now before the Tribunal regarding the political career of Mr Salley, the attorney letters, the evidence about the summons or arrest warrant, and the evidence from the BHC in Colombo. The First-tier Tribunal accepted that document as genuine, but for the reasons which I will give, I consider that the First-tier Tribunal erred in so doing.

Evidence before the Upper Tribunal

27. The appellant’s evidence consists of three letters from his lawyer in Colombo. No original of any of these letters has been produced. The first, on 2 January 2014, is addressed ‘Dear Mr Turner’ and the date is typed at the top. It ends with a signature and an ink stamp giving the writer’s name and address: M. I. M. Mawjood, Attorney-at-Law, JPUM and Notary Public, No. 88 1/1, Main Street, Mawanella. In that letter, Mr Mawjood seeks to clarify the charges, as follows:

“Although the translation states ‘Allowing for communal riots in terms of section 2(9) of Prevention of Terrorism Act No. 48 of 1979, the actual charges refer to section 2(1)(h) of the Act which states:

“By words either spoken or intended to be read or by signs or by visible representations or otherwise causes or intends to cause commission of acts of violence or religious, racial or communal disharmony or feelings of ill-will or hostility between different communities or racial or religious groups.”

As I observed to Mr Turner at the hearing in March 2015, that clarification further confuses the question of what offence the appellant is said to have committed. It does not increase the weight which can be placed on the Sri Lankan translation of the alleged summons, and made a proper translation of the original essential if the appellant’s case were to succeed.

28. The second letter, dated 23 December 2014, is strikingly poorly written, with ‘i’ and ‘sri lanka’ in lower case in some places, random capitals in the

middle of sentences, and a handwritten date on the top. It is addressed 'Dear Sir/Madam' and headed 'To Whom it May Concern'. The letter suggests that after the appellant failed to answer his summons, the Kandy Court issued an arrest warrant of which the appellant and his family, and Mr Mawjood, have no copy. In this second letter, it looks as though the ink stamp from the previous letter has been cut and pasted to the bottom of the letter. The signature seems to be different too, as is the typeface used. I am not inclined to place any weight at all on this document.

29. The third letter, with a handwritten date, is again addressed to 'Dear Sir/Madam' on a To Whom it May Concern basis. It asserts that:

"There is an open warrant against my client which is still active and he will be arrest upon arrival in Sri Lanka. My Clients passport will be checked when he arrives and since h has been absconding, his details will be registered at the airport to prevent him leaving or arrest upon arrival.

The charges sighted [sic] in the said case amounts to racial distraught which can arise communal feelings among the subjects which is punishable under the prevention of terrorism act 48 of 1979 and will culminate in indefinite remand custody and jail term."

30. Again the grammar and structure of the letter is poor, the typeface is different again, and the writer's signature differs from that on both of the previous letters, as does the name stamp. I consider the second and third letters to be fabricated to support the appellant's case and that very little assistance for him in these proceedings can be gained from the first letter, even if it is genuine.
31. The other document on which the appellant relies is a letter dated 26 December 2014 from Mr M Azath S Salley, who describes himself as 'Leader/General Secretary of the National Unity Alliance (NUA)'. In it, Mr Salley confirmed the appellant's involvement in his campaign for the upcoming local provincial council election in 2013. Mr Salley describes himself as 'former deputy mayor of the city of Colombo, Sri Lanka and the present Provincial Council Member of the Central Province'.
32. Mr Salley says in his letter that the appellant is fluent in three different languages, a vibrant youth with a sound educational background. He states that the current government (the previous Rajapaksa government) keeps Mr Salley under constant surveillance and that he has to frequently change his personal mobile telephone. He says, nonetheless, that he is 'more than willing to assist [the appellant] whatever I can do within my power' and urges the United Kingdom government to provide the appellant with safety and security. There is no evidence regarding Mr Salley after 26 December 2014, and certainly none to show that he came to harm under the Rajapaksa government after September 2013.
33. The appellant's supplementary bundle includes a brief unsigned draft statement from him which adds nothing to his evidence. A signed

statement from the appellant dated 4 January 2016 handed up at today's hearing deals with the question of the missing translation and notes that the appellant has changed his address. He asserts that he is 'very much frightened to suspect whether that Sri Lankan authority is now targeting me to return back to Sri Lanka to arrest me, if the verification check carried by the respondent is genuine'.

34. The respondent's new evidence consists of two sets of documents, both originating from the BHC in Colombo. The first is a letter dated 3 July 2015 dealing with verification of letters from Sri Lankan attorneys. Of 80 cases investigated, 11 of the attorneys were not contactable; 2 attorneys denied issuing the letters of support; 6 of the attorneys had false qualifications; 1 attorney (involved in 4 cases) confirmed writing the letters but there were discrepancies between his file copy of the letter and the copy produced in the United Kingdom proceedings; and in 7 cases, the attorney confirmed having written the letters, but the supporting documents turned out to be false when verified with the issuing police station or Court. Overall, 86.7% of the attorney letters, attorney credentials and supporting documents were verified as not genuine.
35. The second set of documents, under cover of a 24 December 2015 letter from Mr Melvin confirming that the summons had been verified as 'not genuine' comprises two copies of the document verification report produced by the BHC on 10 December 2015, the first with an incorrect Sri Lankan Court file number compared with that on the disputed document, and the second, with the correct number, both with the same conclusions. The document verification report is accompanied by an email chain explaining the numeric discrepancy. The error is a matter of one digit and I accept that it is likely to have been a typographical error by the document verification clerk.
36. The corrected document verification report records that at 0945 on 8 December 2015, a name and address redacted copy of the disputed summons was sent to Kandy Magistrate Court and at 1430 the Court replied. The Registrar (telephone number supplied) in his reply observed that 'the Court reference [given] is not relevant to the Magistrate's Court Kandy' and 'the signature of the Registrar does not correspond to the samples held of any past/present Registrars at the Kandy Courts...the Registrar was certain that [case number given] did not relate to a case heard at the Magistrate's Court Kandy'.

Submissions

37. For the appellant, Mr Aboosalih stated that Marsh & Partners had not yet received the full file of papers from Mr Turner. However, this appeal had been listed (for a third time) in line with Mr Turner's availability and the appellant, whose appeal it is, cannot rely on a last minute change of solicitor as a reason for being unready for hearing (see *Secretary of State for the Home Department v SS (Congo) & Ors* [2015] EWCA Civ 387 and *JA*

(Ghana) v The Secretary of State for the Home Department [2015] EWCA Civ 1031).

38. Mr Aboosalih accepted that there is a new government in Sri Lanka with a reconciliation agenda, but observed that Mr Rajapaksa, the former President of Sri Lanka, remains a member of the Sri Lankan opposition party in Parliament. He stated that he did not know whether the NAU was defunct or not. He was not in a position to make any submissions on Mr Salley's evidence, save to say that both Muslims and Tamils accept his leadership. He was unable to say whether Mr Salley had experienced any further difficulty after his May 2013 detention. Mr Aboosalih asked the Upper Tribunal to note that in an unrelated matter, permission to appeal had been granted under Article 9 ECHR, but it does not appear that Article 9 has ever been in issue in these proceedings.
39. For the respondent, Mr Melvin asked me to take judicial notice of the political changes in Sri Lanka following the January and August 2015 Sri Lankan elections. Mr Melvin produced a list of recognised political parties in Sri Lanka, prepared by Mahinda Deshapriya, Commissioner of Elections, on Monday July 6 2015, before the recent elections. The NAU is not there listed. He also produced a Wikipedia entry, downloaded on 2 November 2015, indicating that the NAU is defunct or dormant and that Mr Salley is now the leader of the Muslim Tamil National Alliance (MTNA), an unregistered party which does not appear in the list of recognised parties prepared by the Commissioner of Elections.

Discussion

40. Permission to appeal was granted on the basis that the First-tier Tribunal Judge had made no finding as to whether the appellant would be detained on return while his alleged criminality was investigated, and if so, whether such detention would breach his Article 3 ECHR rights. The Sri Lankan documents and what they mean are key to assessing whether in so doing the First-tier Tribunal erred in law and if so, whether such error was material.
41. The First-tier Tribunal Judge accepted the appellant's evidence of his history during the 2013 provincial election campaign. He considered that the appellant would be able to contest any politically motivated proceedings which had been fabricated against him.
42. The absence of a finding on whether the appellant would be detained on return is material only if weight can be placed on the documents before the First-tier Tribunal or those before the Upper Tribunal concerning the alleged summons and any arrest warrant which may have been issued. The question of the weight to be given to documents from Sri Lankan attorneys and courts was considered by the Court of Appeal in *PJ v Secretary of State for the Home Department* [2014] EWCA Civ 1011, in the

judgment of Lord Justice Fulford, at paragraphs 29-42 thereof. The most relevant passages in that judgment are as follows:

“30. ... simply because a relevant document is potentially capable of being verified does not mean that the national authorities have an obligation to take this step. Instead, it may be necessary to make an enquiry in order to verify the authenticity and reliability of a document – depending always on the particular facts of the case – when it is at the centre of the request for protection, and when a simple process of enquiry will conclusively resolve its authenticity and reliability (see *Singh v Belgium* [101] – [105]). I do not consider that there is any material difference in approach between the decisions in *Tanveer Ahmed* and *Singh v Belgium*, in that in the latter case the Strasbourg court simply addressed one of the exceptional situations when national authorities should undertake a process of verification.

31. In my view, the consequence of a decision that the national authorities are in breach of their obligations to undertake a proper process of verification is that the Secretary of State is unable thereafter to mount an argument challenging the authenticity of the relevant documents unless and until the breach is rectified by a proper enquiry. It follows that if a decision of the Secretary of State is overturned on appeal on this basis, absent a suitable investigation it will not open to her to suggest that the document or documents are forged or otherwise are not authentic.

32. Finally, in this context it is to be emphasised that the courts are not required to order the Secretary of State to investigate particular areas of evidence or otherwise to direct her enquiries. Instead, on an appeal from a decision of the Secretary of State it is for the court to decide whether there was an obligation on her to undertake particular enquiries, and if the court concludes this requirement existed, it will resolve whether the Secretary of State sustainably discharged her obligation (see *NA (UT rule 45: Singh V Belgium)* [2014] UKUT 00205 IAC). If court finds there was such an obligation and that it was not discharged, it must assess the consequences for the case. ...

41. ... Whilst it is undoubtedly the case that false documents are widely available in Sri Lanka, once it was established that the documents in question originated from a Sri Lankan court, a sufficient justification was required for the conclusion that the appellant does not have a well-founded fear of persecution. ... But perhaps of greatest significance, there is a letter from the Magistrate of the relevant court to the Controller of Immigration and Emigration stating that the appellant is in the United Kingdom and that he is to be arrested on his return to Sri Lanka. ... However in my view, without an adequate explanation, it is difficult to understand how the appellant could have falsified a letter from the Magistrate of the relevant court to the Controller of Immigration and Emigration ordering the appellant's arrest which he then placed in the court records so that it could later be retrieved by two separate lawyers. At the very least, this feature of the evidence required detailed analysis and explanation.

42. These documents lie at the centre of the application for protection, and I consider that Judge Kekic misdirected herself when she concluded that they had been falsely prepared, without providing any reasoning as to how the appellant could have infiltrated forged material into the court records, particularly since there is no suggestion that the lawyers had been involved in any discreditable conduct.”

43. The decision in *PJ (Sri Lanka)* arose from a situation where the respondent had not sought to verify the documents and there were letters from two apparently reputable lawyers in Sri Lanka directly to the appellant's representatives in London, indicating that they had seen the Court documents for themselves and held copies. The charges were specific and serious. That is not the case here. The respondent has sought verification of the summons relied upon in this appeal and it was found to be "not genuine". Only one of the attorney letters is addressed directly to the appellant's representative in the United Kingdom, and that one letter casts a doubt on the offence in question which has not been resolved, despite a delay of almost 10 months in which to do so and a direction to produce a better translation.
44. The burden is always on an appellant to prove elements of his case which are in doubt and in this appeal, the appellant has failed to do so. On the basis of the evidence before me, I do not accept that there is credible evidence even of a summons against the appellant, still less an arrest warrant or any continuing interest in him by the Sri Lankan authorities of a type which would result in his detention on return for any period of time at all.
45. Even if these documents were genuine, the First-tier Tribunal Judge rightly concluded that any risk which existed for this appellant in September 2013 had now ceased, and therefore, any error which he may have made in analysis of the documents and/or of the risk of detention under the previous government is not now material. There has been a change in circumstances in Sri Lanka: the government which the appellant claimed to fear is now out of power. In Presidential elections on 8 January 2015, President Maithripala Sirisena beat former President Mahinda Rajapaksa. In August 2018, in parliamentary elections, Mr Rajapaksa's party was defeated and Prime Minister Ranil Wickremesinghe was appointed by President Sirisena in a government of national unity and reconciliation.
46. The appellant's principal during the 2013 elections, Mr Ajath Salley, was elected member of the Central Provincial Council and is a prominent Sri Lankan politician. There is no evidence of Mr Salley having come to harm since September 2013. It is not remotely credible that any risk which existed for his media advisor in 2013 under the Rajapaksa government survives in the present circumstances.

DECISION

47. There is no material error of law in the decision of the First-tier Tribunal.
48. The decision of the First-tier Tribunal shall stand.

Date: **4 January 2016**

Signed Judith AJC Gleeson
Upper Tribunal Judge Gleeson