



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

Appeal Number: AA/02648/2015

**THE IMMIGRATION ACTS**

**Heard at Field House  
On 8<sup>th</sup> December 2017**

**Decision & Reasons Promulgated  
On 11<sup>th</sup> December 2017**

**Before**

**UPPER TRIBUNAL JUDGE COKER**

**Between**

**SECRETARY OF STATE FOR THE HOME DEPARTMENT**

Appellant

**And**

**GP  
(anonymity order made)**

Respondent

**Representation:**

For the Appellant: Mr N Bramble, Senior Home Office Presenting Officer  
For the Respondent: Ms S Jegarajah instructed by Greater London Solicitors

**DETERMINATION AND REASONS**

**Pursuant to Rule 14 of the Tribunal Procedure (Upper Tribunal) Rules 2008 (SI 2008/269) 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 respondent in this determination identified as GP. This direction applies to, amongst others, all parties. Any failure to comply with this direction could give rise to contempt of court proceedings**

1. The SSHD sought and was granted permission to appeal on the grounds that it was arguable the First-tier Tribunal judge had erred in law in failing to give adequate reasons as to the risk category GP fell into; where GP was when he was arrested; the account as regards Malaysia; GP's detention in 2009; that his claim to remain of interest was inconsistent with his return trips to Sri Lanka during the height of the civil war; the lack of detail of the

claimed family harassment and that had the judge considered this evidence then it was arguable the outcome would have been different.

2. Ms Jegarajah, in very helpful submissions, drew attention to the evidence relied upon by GP as correlated with the findings of the judge in relation to that evidence. Those findings, namely that GP has scars on his body consistent with the claimed cause and that there is an outstanding arrest warrant, are not challenged by the SSHD in her grounds of appeal.
3. The grounds of appeal refer to elements of the reasons for refusal letter but, as said by Mr Bramble, the core findings of the judge which are directly relevant to risk on return have not been challenged in the grounds of appeal. Mr Bramble acknowledged the First-tier Tribunal Judge had made adverse findings and considered the evidence overall, and that the judge had grappled with *Tanveer Ahmed*. Mr Bramble acknowledged that the country guidance case was in play. He did not, in his submissions, assert that the findings as regards the outstanding arrest warrant and the medical evidence were such that, in the light of the country guidance case could have led to any other decision than that taken by the First-tier Tribunal judge.
4. I am satisfied that the findings and the conclusion drawn by the First-tier Tribunal judge are not infected by material errors of law.
5. The appeal of the SSHD is dismissed.

Conclusions:

The making of the decision of the First-tier Tribunal did not involve the making of an error on a point of law.

I do not set aside the decision; the decision of the First-tier Tribunal stands.

Anonymity

The First-tier Tribunal made an order pursuant to rule 45(4)(i) of the Asylum and Immigration Tribunal (Procedure) Rules 2005.

I continue that order (pursuant to rule 14 of the Tribunal Procedure (Upper Tribunal) Rules 2008).

Date 8<sup>th</sup> December 2017



Upper Tribunal Judge Coker