



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

Appeal Number: AA/07779/2012

THE IMMIGRATION ACTS

**Heard at Field House
On 29th August 2017**

**Decision & Reasons Promulgated
On 15 September 2017**

Before

UPPER TRIBUNAL JUDGE MARTIN

Between

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Appellant

and

[S R]

~~(ANONYMITY DIRECTION NOT MADE)~~

Respondent

Representation:

For the Appellant: Ms Z Ahmad, Home Office Presenting Officer

For the Respondent: Ms A Benfield, Counsel, instructed by York Solicitors

DECISION AND REASONS

1. This is the Secretary of State's appeal against a Decision of the First-tier Tribunal, Judge Daldry, who allowed an asylum appeal in a Decision and Reasons promulgated on 27th March 2017. The Appellant before the First-tier Tribunal was a citizen of Sri Lanka and a Tamil. He had claimed asylum on the basis that he had been previously supportive of and working for the LTTE, that he had returned to Sri Lanka in 2011 in July and whilst there was abducted, detained, severely tortured such that when he came back to the United Kingdom he was suffering from serious mental health difficulties and attempted suicide and spent some time in hospital receiving psychiatric treatment.

2. The judge heard and read a considerable amount of evidence before reaching her Decision to allow the appeal. The Secretary of State's grounds assert that the judge had failed to give adequate reasons for finding that the Appellant's sur place activities in the UK together with his previous experiences in Sri Lanka would place him within the risk categories of the country guidance case GJ and Others (post-civil war: returnees) Sri Lanka CG [2013] UKUT 319 (IAC).
3. The grounds I find to be completely without merit. The judge had an enormous amount of material in front of her in this case. She heard the evidence of the Appellant. She had various expert reports including evidence of scars. She had a consultant psychiatrist's report indicating how severely ill the Appellant was and in a lengthy and detailed Decision and Reasons accepted the evidence that the fact that he had returned two years after the cessation of hostilities and was detained then and severely tortured was a clear indication that he remains at risk. She further accepted evidence of sur place activities and the evidence that those are known to the Sri Lankan authorities. She was therefore entitled to allow the appeal for the reasons she gave and Ms Ahmad in front of me did not press the Secretary of State's grounds.

Notice of Decision

The Secretary of State's appeal to the Upper Tribunal is dismissed.

As the Appellant has been successful there is no need to make an anonymity direction.

No anonymity direction is made.

No fee is paid or payable and therefore there can be no fee award.

Signed

Date 14th September 2017

Upper Tribunal Judge Martin