



**Upper Tribunal
(Immigration and Asylum Chamber)
AA/11938/2015**

Appeal Number:

THE IMMIGRATION ACTS

Heard at Manchester

**On 18th September, 2017
Given ex tempore**

**Decision & Reasons
Promulgated
On 25th September 2017**

Before

UPPER TRIBUNAL JUDGE CHALKLEY

Between

**DIRAJ DEVANANDEN
(ANONYMITY DIRECTION NOT MADE)**

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Mr P Nathan of Counsel instructed by Kanaga Solicitors
For the Respondent: Mr Diwnycz

REASONS FOR FINDING AN ERROR OF LAW

1. The appellant is a citizen of Sri Lanka, born on 9th March 1988. He has a long immigration history.
2. On 29th December 2010, he entered the United Kingdom as a Tier 4 (General) Student Migrant with leave until 30th May, 2012. On 5th March 2013, he then applied for leave to remain under the family and private life provisions on the basis of having been resident in the United Kingdom for ten years. That application was refused on 29th May 2013, with no right of appeal. The appellant was then detained on 9th January 2014, and served with IS 151 as an over-stayer. On 12th January 2014, the appellant claimed

asylum and his case was referred to and accepted for detained fast track at Harmondsworth. On 5th February 2014, the appellant's asylum interview was conducted and on 6th February the appellant's representatives forwarded a copy of an appointment letter for the Appellant to attend Helen Bamber Foundation on 3rd July 2014. He was therefore given temporary release. On 18th August 2015, the respondent refused the appellant's application for asylum. The appellant appealed to the First-tier Tribunal. His appeal was heard at Manchester on 7th February 2015, by First-tier Tribunal Judge Ransley who dismissed his appeal.

3. The grounds of appeal to the Upper Tribunal asserted that the judge had failed to consider the appellant's vulnerability, in the light of the psychiatric report of Dr Lawrence and the Helen Bamber Foundation, that the appellant suffered from PTSD. This affected the negative assessment of his credibility based on discrepancies and inconsistencies, and the medical evidence should have been considered holistically in accordance with the approach set out in *Mibanga v Secretary of State for the Home Department* [2005] EWCA Civ 367. It is also alleged that the judge failed properly to consider the appellant's classification as vulnerable in accordance with the Joint Presidential Note No 2 of 2010.
4. I indicated to the representatives that having read the papers this morning I was of the preliminary view that the determination could not stand. I emphasised that I was prepared to be persuaded otherwise and that it was only a preliminary view. Mr Diwnycz indicated to me that he was content that the matter should be remitted for rehearing by the First-tier Tribunal. I set aside the determination of First-tier Tribunal Judge Ransley and remit this for hearing by the First-tier Tribunal. A Tamil interpreter will be required and three hours should be allowed for the hearing of the appeal.

No anonymity direction is made.

Upper Tribunal Judge Chalkley