



Upper Tribunal
(Immigration and Asylum Chamber)

Appeal Number: PA/03171/2017

THE IMMIGRATION ACTS

Heard at Field House
On 27th April 2018
Oral Decision

Decision & Reasons Promulgated
On 21st May 2018

Before

DEPUTY UPPER TRIBUNAL JUDGE ZUCKER

Between

PA (SRI LANKA)
(ANONYMITY DIRECTION MADE)

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Mr S Sayeed, Counsel, instructed by York Solicitors, Ilford, Essex
For the Respondent: Mr J McGirr, Home Office Presenting Officer

DECISION AND REASONS

1. The Appellant is a citizen of Sri Lanka whose date of birth is recorded as [] 1984. He appeals the decision of Judge of the First-tier Tribunal Watson, who when sitting at Birmingham on 16th November 2017, and in a decision promulgated on 18th November

2017, dismissed the Appellant's appeal against a decision of the Secretary of State refusing him international protection.

2. This matter comes before me with permission of Judge Hollingworth. The principal ground and basis upon which the matter came before me is that the judge erred in his approach to the medical evidence. The medical evidence formed part and parcel of the evidence as a whole. Where, in essence, the judge makes findings of fact before consideration, or a proper consideration, of the medical evidence, then necessarily they will have erred because they will not have taken the evidence into account as holistically as they ought.
3. The guidance as to the proper approach can be found in the case of **Mibanga [2005] EWCA Civ 367**. However I do not need to resolve matters further because Mr McGirr, for the Secretary of State, quite properly and fairly accepts that there was not only an error of law, but that it was material, and that in the circumstances the matter should be remitted to the First-tier Tribunal to be heard again. I agree.
4. Application was made before me for a transfer of this case to London on the basis that Counsel and the solicitors representing the Appellant are based in London. The address on file for the Appellant, is in London. In those circumstances, I am content to accede to the application. Given the address, the matter will be listed at Taylor House.

Notice of Decision

The appeal to the Upper Tribunal is allowed. The matter is remitted to the First-tier Tribunal to be heard afresh at Taylor House.

Direction Regarding Anonymity - Rule 14 of the Tribunal Procedure (Upper Tribunal) Rules 2008

Unless and until a Tribunal or court directs otherwise, the Appellant is granted anonymity. No report of these proceedings shall directly or indirectly identify him or any member of his family. This direction applies both to the Appellant and to the Respondent. Failure to comply with this direction could lead to contempt of court proceedings.

Signed

Date: 16 May 2018



Deputy Upper Tribunal Judge Zucker