



**Upper Tribunal  
(Immigration and Asylum Chamber)  
PA/11937/2016**

**Appeal Number:**

**THE IMMIGRATION ACTS**

**Heard at Field House  
On 12 February 2018**

**Decision and Reasons  
Promulgated  
On 15 February 2018**

**Before**

**UPPER TRIBUNAL JUDGE KEKIĆ**

**Between**

**M S  
(ANONYMITY ORDER MADE)**

Appellant

**and**

**SECRETARY OF STATE FOR THE HOME DEPARTMENT**

Respondent

**Representation:**

For the Appellant: Mr A Jafar, Counsel instructed by Liyon Legal Aid  
For the Respondent: Mr P Duffy, Senior Home Office Presenting Officer

**DETERMINATION AND REASONS**

1. The appellant is a Sri Lankan national born on 27 March 1990. His asylum appeal was dismissed by First-tier Tribunal Judge Hussain by way of a determination promulgated on 21 June 2017.
2. Permission to appeal was granted by Upper Tribunal Judge Pitt on 21 December 2017 and the matter came before me on 12 February 2017.

3. Mr Duffy stepped in straightaway to concede that the judge had made a material error in failing to consider the report on scarring and the appellant's injuries. It followed that there was no need for Mr Jafar to make anything more than the brief submissions he did.
4. Amongst the many arguable errors of law identified which I do not now need to address, Mr Duffy was quite right to concede the point that the medical evidence was not taken into account. Plainly that was evidence that could have led to a different outcome and the error is therefore material.
5. I set aside the determination in its entirety. The evidence will need to be re-heard so that fresh findings on all matters may be made. To that end, the matter is remitted to the First-tier Tribunal for a de novo hearing. No findings are preserved.
6. **Decision**
7. The First-tier Tribunal made errors of law and the decision is set aside in its entirety. The appeal is remitted for re-hearing to another judge of the First-tier Tribunal.
8. **Anonymity**
9. I continue the anonymity order made by the First-tier Tribunal.

Signed



Upper Tribunal Judge

Date: 12 February 2018