



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

Appeal Number: PA/10295/2018

THE IMMIGRATION ACTS

**Heard at Field House
On 17th June 2019**

**Decision & Reasons Promulgated
On 10th July 2019**

Before

DEPUTY UPPER TRIBUNAL JUDGE DAVIDGE

Between

**Mr F A F
(ANONYMITY DIRECTION MADE)**

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Mr N Paranjorthy (Counsel) instructed by ABN Solicitors
For the Respondent: Ms S Jones Senior Home Office Presenting Officer

DECISION AND REASONS

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

1. Anonymity having previously been ordered in the First-tier Tribunal and there being no application to remove the order, I see no reason to do so and the order remains in place. 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 their 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.

2. The Appellant appeals the decision of First-tier Tribunal Judge promulgated on 4th April 2019 whereby he dismissed the appeal against the decision to refuse to grant asylum or ancillary protection.
3. Permission to appeal was granted at the First-tier Tribunal by Judge Gumsley on 8th May 2019 including on the basis that it was arguable that the First-tier Tribunal Judge had rejected the credibility of the appellant without adequate assessment of the evidence in the context of an earlier accepted detention, including in particular correspondence from a member of the Sri Lankan Bar and his TGTE membership. At the hearing before me Ms Jones conceded that the grounds at 1 and 2 were made out, although, as did the judge granting permission, she thought there was less merit in the issue relating to mental health. In those circumstances, with the agreement of the representatives I indicated that by consent I found an error of law established and set the decision aside. The parties were in agreement that the case needs a complete rehearing, with a fresh look at credibility and new factual findings. In those circumstances the representatives were agreed that I provide, as per Rule 40 of the Tribunal Procedure (Upper Tribunal) Rules, a summary de novo remittal decision without reasoning.

Decision

4. The decision of the First-tier Tribunal reveals an error of law such that it cannot stand. I set it aside and remit I the appeal de novo to the First-tier Tribunal.

Signed

Date 27 June 2019



Deputy Upper Tribunal Judge Davidge