



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

Appeal Number: PA/02988/2019 [T]

THE IMMIGRATION ACTS

**At Field House
On 24 May 2020**

**Promulgated
On 27 May 2020**

Before

UPPER TRIBUNAL JUDGE GLEESON

Between

**A P A (SRI LANKA)
[ANONYMITY ORDER MADE]**

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

ORDER AND DIRECTIONS [T]

Anonymity order

Pursuant to Rule 14 of the Tribunal Procedure (Upper Tribunal) Rules 2008 (SI 2008/269) The Tribunal has ORDERED that no one shall publish or reveal the name or address of [initials] who is the subject of these proceedings or publish or reveal any information which would be likely to lead to the identification of him or of any member of his family in connection with these proceedings.

Any failure to comply with this direction could give rise to contempt of court proceedings.

Order and Directions (T)

1. The appellant has permission to appeal against the decision of the First-tier Tribunal dismissing his appeal against the respondent's decision to refuse him international protection under the Refugee Convention, humanitarian protection or leave to remain in the United Kingdom on human rights grounds.
2. By a decision dated 5 November 2019, I set aside the First-tier Judge's decision for inadequacy of reasons, in particular his failure to have regard to the appellant's status as a vulnerable person, his treatment of the medical evidence, to which the Judge applied his own negative perception of the appellant's evidence (the *Mibanga* error), and his failure to deal with a patent Article 1F exclusion issue.
3. The appeal was listed for remaking in the Upper Tribunal on 13 March 2013 but was adjourned because of the COVID-19 pandemic. On 6 April 2020, Mr Steven Kotas for the Secretary of State filed a position statement indicating that the Secretary of State would not rely on exclusion under Article 1F as she continued to reject the appellant's account of his first, second and third arrest and detention in Sri Lanka, and his diaspora activities. Mr Kotas agreed with the appellant's position that mere membership of the LTTE is insufficient to warrant exclusion: The Secretary of State invites the Upper Tribunal to rehear the appeal on the basis that Article 1F is not in issue.
4. Having regard to the overriding objective, it is now time to progress this appeal. Having regard to the Pilot Practice Direction and UTIAC Guidance Note no 1 of 2020, the Upper Tribunal is provisionally of the view that the forthcoming hearing in this appeal requires a full face to face oral rehearing.
5. The appeal will therefore be remitted to the First-tier Tribunal for rehearing afresh on the earliest convenient date.

Directions

6. I therefore give the following directions for the future conduct of this appeal:
 - (a) This appeal will be reheard in the First-tier Tribunal on a date to be fixed.

Signed **Judith AJC Gleeson**
Upper Tribunal Judge Gleeson

Date: 24 May 2020