



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

Appeal Number: PA/02552/2020

THE IMMIGRATION ACTS

Heard at Field House

On the 15 December 2021

**Decision & Reasons
Promulgated**

On the 22 December 2021

Before

UPPER TRIBUNAL JUDGE PITT

Between

**AA
(ANONYMITY DIRECTION MADE)**

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Ms K Tobin, Counsel, instructed by AASK Solicitors

For the Respondent: Ms A Everett, Senior Home Office Presenting Officer

DECISION AND REASONS

1. This is an appeal against the decision issued on 2 March 2021 of First-tier Tribunal Judge Hanbury which refused the appellant's protection and human rights appeals.
2. The respondent conceded that the decision of the First-tier Tribunal Judge disclosed an error of law such that it had to be set aside to be re-made *de novo*. The decision of the First-tier Tribunal did not address potentially material aspects of the appellant's case, in particular his mother's profile as a member of the protest movement pressuring the Sri Lankan

authorities to locate the bodies of the “disappeared” and his brother being one of the “disappeared” and an LTTE fighter. The decision also failed to address the country materials setting out details of arrests of those who attended Tamil commemorations after the end of the civil war and assess the appellant’s claim that he had attended such a commemoration and that this had led to arrest in 2019 against that country material. The respondent accepted that the reasons for dismissing the appeal were not clear and conceded that it should be set aside to be remade afresh.

3. Where the protection and human rights appeal must be remade afresh with no preserved findings of fact and the evidence of the appellant must be re-heard it is appropriate for the appeal to be remade in the First-tier Tribunal.

Notice of Decision

4. The decision of the First-tier Tribunal discloses an error on a point of law and is set aside to be remade.
5. The appeal will be re-made in the First-tier Tribunal.

Signed: S Pitt
Upper Tribunal Judge Pitt

Date: 15 December 2021