



IN THE UPPER TRIBUNAL
IMMIGRATION AND ASYLUM CHAMBER

Case No: UI-2024-004028

First-tier Tribunal Nos: PA/68435/2023
LP/02072/2024

THE IMMIGRATION ACTS

**Decision & Reasons Issued:
On the 18 November 2024**

Before

**UPPER TRIBUNAL JUDGE SHERIDAN
UPPER TRIBUNAL JUDGE KHAN**

Between

**PG
(ANONYMITY ORDER MADE)**

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Ms K Renfrew, Counsel instructed by MTC Solicitors
For the Respondent: Ms H Gilmour, Senior Home Office Presenting Officer

Heard at Field House on 1 November 2024

Order Regarding Anonymity

Pursuant to rule 14 of the Tribunal Procedure (Upper Tribunal) Rules 2008, the appellant is granted anonymity. No-one shall publish or reveal any information, including the name or address of the appellant, likely to lead members of the public to identify the appellant. Failure to comply with this order could amount to a contempt of court.

DECISION AND REASONS

1. At the outset of the hearing Ms Gilmour, on behalf of the Secretary of State, conceded the appeal. In the light of her concession, our reasons will be brief.
2. The appellant is a citizen of Sri Lanka who claims to face a risk of persecution in Sri Lanka. The respondent rejected his protection and human rights claim. He appealed to the First-tier Tribunal where his appeal came before Judge of the

First-tier Tribunal Chana (“the judge”). In a decision dated 17 July 2024, the judge dismissed the appeal. The appellant is now appealing against this decision.

3. The judge determined whether the appellant would face a risk on return to Sri Lanka by applying the country guidance case *GJ and Others (post-civil war returnees) Sri Lanka CG* [2013] UKUT 319. No mention is made in the decision of the more recent Country Guidance case concerning Sri Lanka, which supersedes *GJ: KK and RS (Sur place activities, risk) CG* [2021] UKUT 130. Ms Gilmour conceded the appeal on the basis that the wrong Country Guidance case had been applied.
4. Both Ms Renfrew and Ms Gilmour considered that it would be appropriate for the appeal to be remitted to the First-tier Tribunal to be made afresh. We agree. The nature of the error is such that, in our view, the appellant should not be denied the benefit of a two-tier decision-making process, as explained in *AEB v Secretary of State for the Home Department* [2022] EWCA Civ 1512 and *Begum (Remaking or remittal) Bangladesh* [2023] UKUT 00046 (IAC).

Notice of Decision

5. The decision of the First-tier Tribunal involved the making of an error of law and is set aside. The case is remitted to the First-tier Tribunal to be made afresh by a different judge with no findings preserved.

D. Sheridan

Judge of the Upper Tribunal
Immigration and Asylum Chamber

13.11.2024