



**Upper Tribunal  
(Immigration and Asylum Chamber)  
AA/02046/2014**

**Appeal Number:**

**THE IMMIGRATION ACTS**

**Heard at Field House  
On 9 October 2014**

**Determination Sent  
On 17 October 2014**

**Before**

**Deputy Upper Tribunal Judge MANUELL**

**Between**

**SS  
(ANONYMITY DIRECTION MADE)**

Appellant

**and**

**THE SECRETARY OF STATE FOR THE HOME DEPARTMENT**

Respondent

**Representation:**

For the Appellant: Ms S Anzani, Counsel  
(instructed by OK Law Solicitors)

For the Respondent: Mr N Bramble, Home Office Presenting Officer

**DETERMINATION AND REASONS**

*Introduction*

1. The Appellant appealed with permission granted by Upper Tribunal Judge Coker on 30 July 2014 against the decision of First-tier Tribunal Judge Elson MBE made in a determination promulgated on 16 May 2014 dismissing

the Appellant's asylum, humanitarian protection and human rights appeals.

2. The Appellant is a national of Sri Lanka, born in October 1986. She had appealed against her removal from the United Kingdom, a decision taken by the Respondent on 19 March 2014. The Appellant had entered the United Kingdom as a Tier 4 (General) Student Migrant on 8 August 2011, which visa was valid until 21 January 2013. The Appellant ceased to attend her classes in December 2013. She claimed asylum on 21 February 2013, having in the meantime applied to extend her student visa. She stated that she feared for her life because of her perceived family links to the LTTE.
3. When granting permission to appeal, Upper Tribunal Judge Coker considered that it was arguable that Judge Elson had erred in her assessment of the risk on return, based on the Sri Lankan authorities' possible perception of the Appellant, having accepted that the Appellant's account was credible.
4. The Respondent filed notice under rule 24 indicating that the appeal was opposed. Standard directions were made by the tribunal and the appeal was listed for adjudication of whether or not there was a material error of law.

### *Submissions*

5. Ms Anzani for the Appellant relied on the grounds of onwards appeal earlier submitted, together with her skeleton argument. Counsel submitted that the judge had erred in her assessment of the risk of persecution in her application of the country guidance caselaw. GJ and Others (post-civil war: returnees) Sri Lanka CG [2013] UKUT 00319 (IAC) had been upheld in MP & NT (Sri Lanka) [2014] EWCA Civ 829. The Appellant had had tenuous involvement with the LTTE through relatives and had been questioned in February 2011. Her mother had been visited by the authorities. The judge had failed to assess those elements of the Appellant's case adequately. It was the authorities' perception which counted. Leaving Sri Lanka without difficulty was not probative of lack of interest on return. The determination should be set aside (save for preserving the positive credibility findings), redetermined and the Appellant's appeal allowed.

6. Mr Bramble for the Respondent relied on the Respondent's rule 24 notice. He submitted that the determination disclosed no error of law and wished to add nothing further.

*No material error of law*

7. The tribunal accepts Mr Bramble's submissions. Indeed, the tribunal considers that the grounds of onwards appeal as submitted and urged in argument were meretricious and that the grant of permission to appeal was a generous one. At most the onwards grounds were simply a disagreement with the judge's ultimate findings of fact, which in themselves might well be thought distinctly favourable to the Appellant. Those findings were not capable of challenge by the Respondent as the appeal was dismissed. The findings obviously stand unchanged.
8. As always, the determination needs to be read as whole. The judge set out the Appellant's case and her evidence in great detail, and took similar care in her approach to the country background and objective evidence. At [87] the judge correctly cited GJ and Others (post-civil war: returnees) Sri Lanka CG [2013] UKUT 00319 (IAC) and specifically referred to risk category (a) of the headnote, persons perceived to be a threat to the integrity of Sri Lanka as a single state, which was the centrepiece of the Appellant's claim. The conclusions which the judge set out at [91] plainly draw all of those elements of her discussion of the appeal together. The judge's conclusions as to the authorities' perception of the Appellant were securely focussed on that question. The judge mentioned all of the salient potential factors of future real risk in summary form, having set them out in greater detail earlier, as noted above. The judge weighed the facts found against the Appellant's claimed fears on return. Although the judge had found the Appellant credible, the judge also found that no part of the findings of fact gave rise to a real risk on return.
9. The determination was a comprehensive reflection on the issues raised in the appeal, demonstrating abundant anxious scrutiny. The assessment of real risk on return was reached taking the Appellant's case at its highest, which is often a valuable cross-check in asylum appeals even when an Appellant has not been found credible,

which of course was not the situation here. The findings which the judge reached as to real risk on return were properly based on the guidance provided in GJ Sri Lanka (above) and are sustainable.

10. There was no material error of law in the determination. There is no basis for interfering with the judge's decision to dismiss the Appellant's appeal, which dismissal must stand.

**DECISION**

The tribunal finds that there is no material error of law in the original decision, which stands unchanged

**Signed**

**Dated**

**Deputy Upper Tribunal Judge Manuell**