



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

Appeal Number AA/04204/2014

**THE IMMIGRATION ACTS**

Heard at Sheldon  
On 20<sup>th</sup> November 2014  
Prepared 25<sup>th</sup> November 2014

Determination Promulgated  
On 26<sup>th</sup> November 2014

**Before**

DEPUTY UPPER TRIBUNAL JUDGE PARKES

**Between**

T S  
(ANONYMITY DIRECTION NOT MADE)

And

SECRETARY OF STATE FOR THE HOME DEPARTMENT

**Appellant**

**Respondent**

**Representation:**

For the Appellant: Miss A Benfield (Counsel, instructed by A & P Solicitors)

For the Respondent: Mr D Mills (Home Office Presenting Officer)

**DETERMINATION AND REASONS**

1. The Appellant is a Sri Lankan national. He claimed asylum in the UK on the 27<sup>th</sup> of October 2011 following his return from Sri Lanka. His claim was refused and his appeal dismissed in a determination dated the 30<sup>th</sup> of July 2014 following a hearing at Bennett House, Stoke on Trent.
2. The Judge rejected the Appellant's credibility before considering the medical report submitted by the Appellant which considered a number of injuries that were visible and which he had said had been inflicted by the security forces when he was detained and before he came to the UK.

3. The Appellant sought permission to appeal on the basis that the Judge had approached the medical evidence incorrectly and had dismissed the report on the basis of the findings made in respect of the Appellant's general credibility rather than regarding the opinions of the doctor as being independent views that carried weight.
4. At the hearing it was conceded by Mr Mills that the approach of the Judge had been erroneous and that the determination could not be sustained, he accepted that the appeal would have to be remitted to the First-tier Tribunal for re-hearing on all issues.
5. On that basis I find that I respect of the Judge's approach to the Appellant's credibility and the expert the evidence the determination contains errors of law such that it has to be set aside and remade. Directions are given separately.

### **CONCLUSIONS**

The making of the decision of the First-tier Tribunal involved the making of an error on a point of law.

I set aside the decision.

The appeal is remitted to the First-tier Tribunal for re-hearing on all issues.

### **Anonymity**

The First-tier Tribunal made make an order pursuant to rule 45(4)(i) of the Asylum and Immigration Tribunal (Procedure) Rules 2005 which is continued.

### **Fee Award**

In remitting the appeal to the First-tier Tribunal I make no fee award.

Signed:

Deputy Judge of the Upper Tribunal (IAC)

Dated: 26<sup>th</sup> November 2014