



Upper Tribunal
(Immigration and Asylum Chamber)

Appeal Number: AA 05847 2010

THE IMMIGRATION ACTS

Heard at Field House
On 5 March 2014

7 March 2014

Before

UPPER TRIBUNAL JUDGE PERKINS

Between

VIJAYAKUMAR KESAVAN

Appellant

and

SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Mr N Paramjorthy Counsel instructed by Duncan Lewis

For the Respondent: Mr T Wilding Senior Home Office Presenting Officer

Interpreter: Mr S Ananthavarathan, Tamil/English

DETERMINATION

1. This appeal comes before me by reason of a consent order made by the Court of Appeal on 27 January 2014 that “the matter be remitted to the Upper Tribunal (Immigration and Asylum Chamber) for reconsideration”.
2. It concerns an appeal by a citizen of Sri Lanka against a decision of the respondent to remove him from the United Kingdom. The appellant says that he is a refugee and that removing him is contrary to the United Kingdom’s obligations under the European Convention on Human Rights.
3. The appeal was dismissed by the First-tier Tribunal but that decision was wrong in law and was set aside by the Upper Tribunal which re-determined the appeal. Regrettably the determination of the Upper Tribunal was so delayed that the

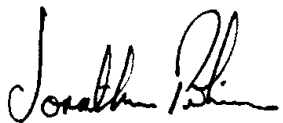
Upper Tribunal's decision was itself unsatisfactory and the Court of Appeal ordered the Upper Tribunal to reconsider the case. Significantly the Upper Tribunal was not ordered to re-hear the case.

4. No findings of fact have been preserved and the case needs to be heard again. The appellant wishes to amend his evidence by updating his evidence about his personal circumstances and, possibly, by adducing new evidence about the risk he claims to face in Sri Lanka.
5. Both parties agree that, in the circumstances, the case can be best dealt with by the First-tier Tribunal and, with their consent and at their invitation, I order that the appeal be determined again by the First-tier Tribunal.
6. To assist that end I give the following directions:

DIRECTIONS

- A. The appeal will be listed for hearing at Hatton Cross on 7 July 2014 with a time estimate of 3 hours.
- B. A Tamil interpreter will attend.
- C. No later than 30 June 2014 the appellant shall serve on the respondent and the First-tier Tribunal a paginated bundle of all written material on which he seeks to rely including, if he wishes to give evidence, a witness statement from the appellant drawn to stand as evidence in chief without the need for further questions.

Signed
Jonathan Perkins
Judge of the Upper Tribunal



Dated 5 March 2014