



IAC-AH-CJ-V1

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

Appeal Numbers: AA/08319/2013  
AA/08320/2013  
AA/08322/2013  
AA/08323/2013

**THE IMMIGRATION ACTS**

**Heard at Bradford**

**On 2 September 2014**

**Decision & Reasons  
Promulgated**

**On 11 November 2014**

**Before**

**UPPER TRIBUNAL JUDGE CLIVE LANE**

**Between**

**MR NEIL A R JAYALATH ARACHCHIGE (FIRST APPELLANT)  
MRS UDUWE V C PERERA (SECOND APPELLANT)  
MISS NIMASHI C JAYALATH ARACHCHIGE (THIRD APPELLANT)  
MASTER ASHEN C JAYALATH ARCHCHIGE (FOURTH APPELLANT)  
(ANONYMITY DIRECTION NOT MADE)**

Appellants

**and**

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

Respondent

**Representation:**

For the Appellants: Mr W Aghayere, Lawland Solicitors

For the Respondent: Mrs P Pettersen, Senior Home Office Presenting Officer

**DECISION AND REASONS**

1. The appellant entered the United Kingdom on a visa as a dependent partner of the second appellant (then a Tier 4 Student). After he had been living in the United Kingdom for about eighteen months, the appellant claimed asylum. His application was refused and a decision taken by the respondent to remove him by way of directions under Section 47 of the Immigration, Asylum and Nationality Act 2006. The first appellant appealed against that decision to the First-tier Tribunal (Judge Omotosho) which, in a determination dated 29 January 2014, dismissed the appeal on all grounds. I shall hereafter refer to the first appellant as “the appellant”; the other appellants, his wife and children, are dependants on his appeal.
2. Judge Omotosho rejected the appellant’s credibility as a witness. She found that his asylum claim had been a “complete fabrication” [51]. She found that the appellant was not of adverse interest to the Sri Lankan authorities because of his perceived political opinion.
3. There are several grounds of appeal, but only one ground that was actively pursued at the hearing before me at Bradford on 2 September 2014. The other grounds are without merit. Those grounds variously amount to little more than disagreement with the judge’s findings on the evidence and challenge what was clearly a typographical error at [39] as to the date of the appellant’s screening interview. These grounds are also dependent upon the veracity of an arrest warrant and other documents produced by the appellant in evidence which Judge Omotosho rejected as unreliable.
4. Indeed, it is the judge’s treatment of the documents that forms the subject of the remaining ground of appeal. I granted permission in this appeal in the following terms:

“The judge states at [46] that ‘the original court notices, warrant or message form have not been produced before me’. The grounds [2] assert that the original documents were before the judge. The fact that, in the same paragraph in which she found that she could attach no weight to the appellant’s documents, the judge drew attention to the fact that she had not seen the originals would indicate that it is at least arguable that her finding was based on a false premise. All the grounds may be argued.”
5. At [46]-[49], the judge considered the documentary evidence pursuant to *Tanveer Ahmed* [2002] UKIAT 00439. She was aware that she had to assess the documentary evidence “after looking at all the evidence in the round”. Having done so, she placed no reliance on a letter from the Sri Lankan lawyer, a letter from the police in Sri Lanka, court notices and an arrest warrant. She recorded at [46] that “the original court notices, warrant or message form have not been produced before me”. The appellant asserts the original documents were before the judge. Mrs Pettersen did not challenge that assertion. I accept that the judge has erred by stating that the original documents were not before her. However, that is not the end of the matter. The judge went on to provide a detailed analysis of the various documents and to give cogent and clear

reasons as to why she did not accept their contents as reliable. Most significantly, the judge's analysis of the documents deals with inconsistent information contained within them and the failure of the appellant in his own oral and written evidence to make any reference to details of important relevance to his case contained in the documents. For example, at [49] by reference to the arrest warrant, the judge noted that there had been "no mention by the appellant that his employee was granted bail and absconded". The judge noted that the official reference numbers on the documents were also not consistent. The letter from the Sri Lankan lawyer was, she considered "written in poor English (grammatical and spelling mistakes) and essentially reiterates what the information provided by the appellant's mother-in-law" had stated. She regarded that letter as "a self-serving statement".

6. None of the concerns raised by the judge regarding the documents arise from the nature of the documents themselves; as Mrs Pettersen submitted, the problems with this evidence identified by the judge would apply equally to original documents as to copies. The judge's incorrect observation that she did not have sight of the original documents was no more than that; it did not in any way lead her to a finding that the contents of the documents were unreliable.
7. In the circumstances, I find that the judge did not err in law as asserted in the grounds or at all. She wrongly recorded that she had not seen the original documents but that observation was of no material importance to the outcome of the appeal.

### **NOTICE OF DECISION**

This appeal is dismissed.

No anonymity direction is made.

Signed

Date 5 November 2014

Upper Tribunal Judge Clive Lane