



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

Appeal no: AA/ 04258/2015

**THE IMMIGRATION ACTS**

At **Field House**  
on **01.11.2017**

Decision and Reasons Promulgated  
on **06.11.2017**

Before:

Upper Tribunal Judge  
**John FREEMAN**

Between:

**M. RM M**  
**(Anonymity Direction Made)**

appellant

and

**Secretary of State for the Home Department**

respondent

Representation:

For the appellant: *Agata Patyna* (counsel instructed by Gurney Harden,  
Ashford)

For the respondent: Mr Lawrence Tarlow

**DECISION AND REASONS**

This is an appeal, by the appellant, against the decision of the First-tier Tribunal (Judge Samantha Mace), sitting at Hatton Cross on 14 June, to dismiss an asylum appeal by a Muslim citizen of Sri Lanka, born 1983.

2. The evidence for the appellant before the judge included evidence of scarring, in an unusually detailed report from Dr Elizabeth Clarke. The judge said at paragraph 26 that she considered the report in the light of its consistency with the appellant's account, which however she had other reasons for rejecting: these she gave clearly and cogently. However, the only specific point on which she indicated, at paragraph 26 that the report itself, and the conclusions in it, might not be acceptable was the writer's failure to deal with the issue of possible self-infliction by proxy 'SIBP',

NOTE: (1) *no anonymity direction made at first instance will continue, unless extended by me.*

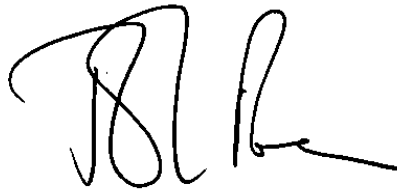
(2) *persons under 18 are referred to by initials, and must not be further identified.*

though Dr Clarke did in fact deal with it on the points she noted at paragraphs 6.18 and 6.20.

3. Though the judge did not refer to it, this must have been based on the country guidance in KV (scarring - medical evidence) [2014] UKUT 230 (IAC). That however had already been overruled on the point in question in KV (Sri Lanka) [2017] EWCA Civ 119, to which counsel who appeared before the judge (not Miss Patyna) might usefully have referred her.
4. In the circumstances, Mr Tarlow accepted that the judge's overall credibility findings at paragraph 26 were wrong in law, as she had not dealt with Dr Clarke's report on its merits. The result will be a fresh hearing before another first-tier judge.

**Appeal allowed: decision set aside**

**Fresh hearing before First-tier Tribunal at Hatton Cross (not Judge Mace)**

A handwritten signature in black ink, appearing to be 'JLR', written in a cursive style.

(a judge of the Upper  
Tribunal)

Dated: 02 November 2017