



IAC-AH-CO-V1

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

Appeal Number: AA/06780/2015
AA/06784/2015

THE IMMIGRATION ACTS

**Decision & Reasons Promulgated
On 27 April 2016**

Before

DEPUTY UPPER TRIBUNAL JUDGE G A BLACK

Between

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Appellant

and

[W H] + 1

(~~ANONYMITY DIRECTION NOT MADE~~)

Respondent

Remaking the DECISION

1. The appellant in this matter is the Secretary of State for the Home Department (“the Secretary of State”). [WH] (the Claimant) was the appellant in the First-tier Tribunal proceedings which allowed her appeal on asylum grounds. She is a citizen of Sri Lanka. Following a hearing on 5th January 2016 I found a material error of law in a decision and reasons dated 19th January 2016. I directed that within 14 days of the issue of that decision the Claimant file written submissions on the issue of risk on return to Sri Lanka following the guidelines in **GJ** and or departure from the same.
2. As at 21st March 2016 I have received no written submissions from either party and now I remake the decision of the First-tier Tribunal having regard to the findings made by that Tribunal. I refer to the decision and reasons dated 19th January 2016 in which I set out in detail the findings of fact made by the FtT. The FtT found that the claimant had no political involvement at all. Her problems dated back to 2011 and 2013 when she was detained and tortured on both occasions and she was released on payment of a bribe. She left Sri Lanka using her own passport with a visa

in 2013 and experienced no difficulties at the airport. The FtT concluded on the evidence before it that the appellant had no role in any renewal of hostilities in Sri Lanka. It erred in law by limiting its consideration to past persecution as an indication of future ill-treatment without giving reasons in support. It failed to consider the scope of **GJ** risk factors notwithstanding that it found her claim of arrest, detention and ill treatment in 2011 and 2013 to be credible. Whilst I accept that she had been arrested on a second occasion during the period following the end of hostilities, there was nevertheless no evidence before the Tribunal to show that there was a risk of repetition of the past ill treatment given the lack of profile and involvement by this appellant in any political activity. There was no evidence of any arrest warrant or factors that would place her at risk on appearing on a stop list, nor any evidence that she was of a current interest to the authorities. I have considered the claim in the light of the risk factors identified in **GJ** and conclude that there is no evidence that this claimant faces a real risk of persecution on return to Sri Lanka. This was acknowledged by Counsel on behalf of the Claimant at the error of law hearing and as stated above I have received no further submissions pursuant to the directions made and issued. In addition I found no evidence to show why this Claimant would be at risk for reasons outside of the scope of **GJ**.

Decision

3. The appeal of the Secretary of State is allowed. I remake the decision of the FtT by substituting a decision to dismiss the appeal on asylum grounds.
4. The Claimant's appeal is dismissed.

No anonymity direction is made.

Signed

Dated 21.3.2016

GA Black
Deputy Upper Tribunal Judge G A Black

TO THE RESPONDENT
FEE AWARD

No fee award.

Signed

Dated 21.3.2016

GA Black
Deputy Upper Tribunal Judge G A Black

