



**Upper Tribunal
(Immigration and Asylum Chamber)
AA/07668/2015**

Appeal Numbers:

AA/07734/2015

AA/07735/2015

THE IMMIGRATION ACTS

Heard at Field House

Decision & Reasons

On 20th May 2016

Promulgated

On 6th June 2016

Before

DEPUTY UPPER TRIBUNAL JUDGE ZUCKER

Between

**PR (FIRST APPELLANT)
NM (SECOND APPELLANT)
CR (THIRD APPELLANT)
(ANONYMITY DIRECTION MADE)**

Appellants

And

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellants: Ms A Seehra, Counsel instructed by Greater London Solicitors

For the Respondent: Mr N Bramble, Senior Home Office Presenting Officer

DECISION AND REASONS

1. The Appellants and each of them are citizens of Sri Lanka whose dates of birth are respectively 7th April 1977, 6th October 1983 and 22nd November 2007. On 24th October 2014 the Appellants and each of them made application for international protection as refugees. On 23rd April 2015

decisions were made to refuse the applications and the Appellants appealed.

2. On 22nd February 2016 their appeals were heard by Judge of the First-tier Tribunal Parkes sitting at Sheldon Court, Birmingham. He dismissed the appeals. In issue was the extent to which if at all the First Appellant had connections with the LTTE and the extent to which if at all he would be at risk on return. I say no more because findings will have to be made in the First-tier Tribunal because for the reasons which follow this decision simply cannot stand.
3. Not content with the decision to dismiss the appeals on all grounds, by notice dated 21st March 2016 the Appellants and each of them made application for permission to appeal to the Upper Tribunal. The grounds are lengthy, in fact they are longer than the decision, but in short they criticise the judge for failing to engage with the oral evidence of the First Appellant and to have regard to the evidence of the Second Appellant which was not challenged.
4. The Appellants also relied upon evidence from two separate Sri Lankan attorneys which Mr Bramble very fairly accepted were dealt with only "*en passant*" by the judge in his decision and reasons. The reality is that the decision is simply inadequately reasoned in that there is insufficient regard to the totality of the evidence and it is not possible, reading the decision as a whole, to know what weight if any, the judge gave most particularly to the evidence of the Appellants whose case it was.
5. The Secretary of State filed a Notice under Rule 24 of the Upper Tribunal Procedure Rules 2008 but as Mr Bramble properly conceded, those points taken in the notice go to issues which arise under the country guidance case rather than the more substantive issues raised by the Appellants in their grounds.
6. Because there is, as the Americans would say "no contest" in this appeal, I need say no more other than to say that there is a material error of law in each of the appeals such that they cannot stand and should be set aside.
7. The question then is whether the appeal can be remade or should be remitted. There is clearly a requirement for this case to be sent back to the First-tier Tribunal for proper findings to be made. No findings are preserved. The Appellants will have to consider the extent to which they wish to give evidence again. That will be a matter for those who advise them, but this matter will be remitted to the First-tier Tribunal at Birmingham to be heard by a judge other than Judge Parkes, with a Sinhalese interpreter, with a time estimate to be set by the Resident Judge at Birmingham.
8. Given the involvement of a child I deem it appropriate to make an anonymity direction.

Decision

The decision of the first tier Tribunal contained a material error of law and is set aside. The matter is remitted to the First-tier Tribunal at Birmingham to be remade by a judge other than Judge Parkes.

Signed

Date 6th June 2016

Deputy Upper Tribunal Judge Zucker

Direction Regarding Anonymity - Rule 14 of the Tribunal Procedure (Upper Tribunal) Rules 2008

Unless and until a Tribunal or court directs otherwise, the Appellant is granted anonymity. No report of these proceedings shall directly or indirectly identify him or any member of their family. This direction applies both to the Appellant and to the Respondent. Failure to comply with this direction could lead to contempt of court proceedings.

Signed

Date 6th June 2016

Deputy Upper Tribunal Judge Zucker