



UPPER TRIBUNAL
(IMMIGRATION AND ASYLUM CHAMBER)

APPEAL NUMBER: AA/13257/2015

THE IMMIGRATION ACTS

Heard at: Field House
On: 15 June 2017

Decision and Reasons Promulgated
On: 27 June 2017

Before

Deputy Upper Tribunal Judge Mailer

Between

[R B]

~~NO ANONYMITY DIRECTION MADE~~

Appellant

and

SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation

For the Appellant: Ms A Benfield, counsel (instructed by Gurney Harden Solicitors)

For the Respondent: Ms Z Ahmad, Senior Home Office Presenting Officer

DECISION AND REASONS

1. The appellant appeals with leave against the decision of the First-tier Tribunal promulgated on 6 January 2017, dismissing his appeal against the respondent's decision to refuse his asylum, humanitarian protection and human rights claims.
2. In granting permission to appeal, First-tier Tribunal Judge Ford stated that it is arguable that the Tribunal erred in refusing an adjournment application given that the respondent had failed to follow the ADI and reconsider in the light of the medico-legal reports. Moreover, there had been a failure to make findings on material aspects of the claim including the appellant's detention and torture, ongoing adverse interest in his family from the authorities and whether there was a

warrant for his arrest. It was also arguable that the Judge failed to give adequate reasons for attaching only limited weight to the Helen Bamber Report. Further, the Judge arguably failed to apply the guidance in GJ and Others (Post Civil War: Returnees) Sri Lanka CG [2013] UKUT 00319 and failed to give adequate consideration to matters raised by the appellant under Article 3 and 8, including his suicide risk.

3. The respondent in her Rule 24 response did not oppose the application for permission to appeal.
4. At the hearing, Ms Ahmad conceded at the outset that there had been material errors of law for the reasons set out in the grant of permission following the grounds of appeal.
5. Both parties submitted that in the circumstances, the appropriate order was to remit the appeal to the First-tier Tribunal to be heard de novo.
6. I have had regard to the Senior President's Practice Statement regarding the remitting of an appeal to the First-tier Tribunal for a fresh decision. I am satisfied in the circumstances that the appellant has not had a full opportunity for his case to be properly put to the First-tier Tribunal.

Notice of Decision

The decision of the First-tier Tribunal involved the making of an error of law and the decision is set aside. I remit the case to the First-tier Tribunal for a fresh decision to be made before another Judge.

No anonymity direction is made.

Signed

Date: 27 June 2017

Deputy Upper Tribunal Judge C R Mailer

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