



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

Appeal Number: PA/00929/2018

THE IMMIGRATION ACTS

Heard at Field House

On 11th April 2019

**Decision & Reasons
Promulgated
On 30th April 2019**

Before

DEPUTY UPPER TRIBUNAL JUDGE D E TAYLOR

Between

**UMAEASWARY [A]
(ANONYMITY DIRECTION NOT MADE)**

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Ms Allen of Counsel, instructed by Krisinth Solicitors
For the Respondent: Ms Jones, Home Office Presenting Officer

DECISION AND REASONS

This is the appellant's appeal against the decision of Judge Hussain made following a hearing at Hatton Cross on 19th October 2018.

The appellant is a citizen of Sri Lanka born on [~] 1976. She has a complex immigration history but suffice it to say that she applied for asylum in the UK and was refused on 4th January 2018.

The judge did not accept that she would be at risk on return to Sri Lanka and dismissed the appeal. In doing so, he took into account medical evidence,

including a report by a Dr Goldwyn. The judge said that the medical report stated that the appellant's injuries and scars were consistent with her account.

The appellant sought permission to appeal, primarily on the grounds that the judge had materially erred in his assessment of the medical evidence concerning the appellant's scarring. He stated twice that the expert report assesses that the scarring was consistent with the appellant's claims, which is incorrect. In fact, Dr Goldwyn identifies a number of scars as being typical of cigarette burns, highly consistent with further cigarette burns and concludes that her scarring and mental state together were diagnostic of the torture events claimed.

Permission to appeal was granted by Judge Kelly on 29th January 2019.

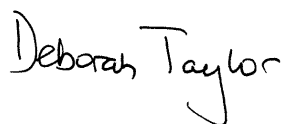
At the hearing before me Ms Jones for the Secretary of State accepted that the decision could not stand.

The decision is set aside. The judge erred in law. He did not accurately characterise the medical report at paragraph 52 of the determination, and a failure to assess the evidence is an error of law. The decision will have to be remade by a judge other than Judge Hussain. It should be relisted at Hatton Cross with a Tamil interpreter at the next available date.

No anonymity direction is made.

Signed

Date 19 April 2019

A handwritten signature in black ink that reads "Deborah Taylor". The signature is written in a cursive style with a large initial 'D' and a long, sweeping tail on the 'y'.

Deputy Upper Tribunal Judge Taylor