



**Upper Tribunal  
(Immigration and Asylum Chamber)  
PA/07713/2018**

**Appeal Number:**

**THE IMMIGRATION ACTS**

**Heard at Field House  
On 6 June 2019**

**Decision & Reasons  
Promulgated  
On 10 June 2019**

**Before**

**Deputy Upper Tribunal Judge MANUELL**

**Between**

**GANESH APPADURAI  
(NO ANONYMITY DIRECTION MADE)**

Appellant

**and**

**THE SECRETARY OF STATE FOR THE HOME DEPARTMENT**

Respondent

**Representation:**

For the Appellant: Ms C Taroni, Counsel  
(instructed by AA Immigration Lawyers)  
For the Respondent: Mr E Tufan, Home Office Presenting Officer

**DETERMINATION AND REASONS**

*Introduction*

1. The Appellant appealed with permission granted by Upper Tribunal Judge Martin on 16 May 2019 against the determination of First-tier Tribunal Judge S L Farmer who had dismissed the appeal of the Appellant against the refusal of his international protection claim. The decision and reasons was promulgated on 28 January 2019.
2. The Appellant is a national of Sri Lanka of Tamil ethnicity, born on 20 June 1947. The Appellant held successive multi visit visas for the United Kingdom. He last entered the United Kingdom on 27 July 2017, with his wife. He claimed asylum on 11 December 2017, asserting a fear of the Sri Lankan government as a suspected separatist. His claim was refused by the Secretary of State on 11 June 2018.
3. Judge Farmer provided a detailed summary of the Appellant's claim at [17] of her decision. According to the Appellant, his brother was suspected of terrorist activity and was killed on 14 May 2009 during a police raid in Colombo at the Appellant's son in law's home. The Appellant's mother and sister were detained. They were released in June and August 2012. The Appellant's son in law and daughter travelled to the United Kingdom where they were granted asylum. The son in law subsequently asked the Appellant to assist him recover his flat. (The Appellant lived in a flat in the same block in Colombo.) The Appellant consulted lawyers but progress was slow. The Appellant came to the United Kingdom in July 2017, following earlier visits. On 9 November 2017, while in the United Kingdom, he received a letter from his wife's sister stating that the authorities had been to his flat looking for him and asking when he would return. She warned him not to return. The Appellant was now afraid to do so.
4. The Appellant's identity was accepted by the Respondent, as was the fact of the grant of asylum to the Appellant's son in law. The remainder of the Appellant's account was challenged. Judge Farmer found that the Appellant's credibility was low. The Appellant's documents were dubious. The Appellant had travelled freely from Sri Lanka on his own passport. There was no warrant of arrest. The judge found that the Appellant would not have agreed to attempt to assist in the recovery of the property if there had been any risk. The Appellant's expert's report contained errors and took the

Appellant's case no further. The Appellant had never been connected with the LTTE. There was no real risk on return. The appeal was accordingly dismissed.

5. Permission to appeal was refused in the First-tier Tribunal by Judge I D Boyes on 8 March 2019 but was granted by Upper Tribunal Judge Martin. Upper Tribunal Judge Martin considered it was arguable that the judge had failed to mention or make any findings on the oral evidence of the Appellant's son in law.

### *Submissions*

6. Ms Taroni for the Appellant relied on the grounds and grant of permission to appeal by the Upper Tribunal. Counsel submitted that the whole determination was unsafe, particularly because there had been no findings as to the evidence given by the Appellant's son in law, who had been recognised as a refugee in the United Kingdom. Counsel discussed the determination in dialogue with the tribunal, submitting that the treatment of the expert's report at [24] was unsatisfactory. Counsel asked that the determination should be set aside and the appeal reheard by a differently constituted First-tier Tribunal.
7. Mr Tufan for the Secretary of State for the Home Department opposed the appeal. The judge had dealt with the Appellant's claim fully in a comprehensive decision and reasons. There were various references to the evidence of the Appellant's son in law.
8. Ms Taroni wished to add nothing by way of reply.

### *No error of law finding*

9. In the tribunal's view, the determination of First-tier Tribunal Judge Farmer was unimpeachable and, as Mr Tufan submitted, addressed all elements of the Appellant's claim. The claim was an elaborate one, with selective production of documents said to have reached the Appellant after his last entry to the United Kingdom to visit his son in law.

10. The lengthy grounds of onwards appeal were largely generic, with the familiar litany of complaints about a perfectly satisfactory decision, as so often seen in this jurisdiction. Plainly Upper Tribunal Judge Martin was unimpressed with the grounds. The only express basis on which permission to appeal had been granted was that the judge had not dealt adequately with the evidence of the Appellant's son in law. By necessary implication, none of the other grounds was considered to have any merit and that was this tribunal's view.
11. The claim about the son in law's evidence has no substance and is based on a misreading of the determination, or perhaps a failure to read it all. At [14] the judge stated that *all* of the evidence has been considered by her, whether or not specifically mentioned. At [15] the judge drew specific attention to the association of the Appellant with his son in law and its alleged risk, clearly indicating its centrality to the appeal. Plainly the judge was focussed on that issue in the summary of the evidence at [17], where the son in law is mentioned by his full name and title and in the discussion which follows. The son in law's evidence is specifically quoted and discussed at [21] and [23]. The judge specifically considered the expert witness's opinion and gave full and proper reasons for discounting it at [24]. In the Tribunal's view that was an entirely sufficient treatment of both the son and law and the expert's evidence. The assertion to the contrary is simply wrong.
12. The judge factored in those findings in her comprehensive explanation of why she found that the Appellant's evidence was unreliable and not credible, having accepted in his favour that there had been no material delay in claiming asylum: see [26] of the decision and reasons.
13. Thus the submissions advanced for the Appellant in the onwards grounds of appeal amounted to no more than disagreement with the very experienced judge's decision. The tribunal finds that the onwards appeal has no proper basis and that there was no material error of law in the decision challenged.

## **DECISION**

The appeal is dismissed

The making of the previous decision did not involve the making of a material error on a point of law. The decision stands unchanged.

**Signed**

**Dated 6 June 2019**

**Deputy Upper Tribunal Judge Manuell**