



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

Appeal Number: PA/09000/2018

THE IMMIGRATION ACTS

**Heard at Field House
On: 27 February 2019**

**Decision and reasons
Promulgated
On: 15 March 2019**

Before

DEPUTY JUDGE OF THE UPPER TRIBUNAL CHANA

Between

**NIZANTH [B]
(ANONYMITY DIRECTION NOT MADE)**

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the appellant: Ms A Patyna of Counsel

For the respondent: Mr L Tarlow, Senior Office Presenting Officer

DECISION AND REASONS

1. The appellant, born on 10 May 1987, a citizen of Sri Lanka, appealed against the decision of the respondent dated 5 July 2018, refusing to grant him asylum and humanitarian protection in the United Kingdom.
2. First-tier Tribunal Judge Quinn dismissed the appellant's appeal in a decision promulgated on 28 December 2018. Permission to appeal was

granted by First-tier Tribunal Judge G Wilson who stated that it is arguable that the judge failed to adequately consider the appellant's credibility in relation to the appellant's exit and entry to Sri Lanka in the context of the country guidance case of **GJ and others (post - civil war: returnees) Sri Lanka CG [2013] UKUT 00319** at paragraphs 85, 113, 138, 262, 275 and 356 and further failed to give consideration to the expert report of Dr Xavier.

3. At the hearing it was agreed by the parties that there has been a material error of law in the decision for the reasons given by the permission Judge and that the appeal be sent back to the First-tier Tribunal for a rehearing.
4. I have considered the decision and agree that there has been a material error of law in the decision as the Judge did not considered the country guidance case and the expert report of Dr Xavier which was material evidence. Therefore, as it stands the decision is not safe and findings of fact need to be made on the evidence in the country guidance case of **GJ and others**.
5. In the circumstances, I direct that the appeal be placed before any First-tier Tribunal Judge apart from First-tier Tribunal Judge Quinn for the appeal to be heard de novo.

Decision

Appeal remitted to the First-tier Tribunal

Signed by

A Deputy Judge of the Upper Tribunal

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Ms S Chana

Dated 12th day of March 2019