



**Upper Tribunal
(Immigration and Asylum Chamber)
PA/11514/2016**

Appeal Number:

THE IMMIGRATION ACTS

Heard at Field House

Decision & Reasons

On 25 August 2017

Promulgated

On 7 September 2017

Before

UPPER TRIBUNAL JUDGE RINTOUL

Between

JK

(ANONYMITY DIRECTION MADE)

Appellant

And

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Ms S Jegarajah, Greater London Solicitors Limited

For the Respondent: Mr T Melvin, Home Office Presenting Officer

DECISION AND REASONS

1. The appellant appeals with permission against the decision of First-tier Tribunal Andonian promulgated on 19 April 2017 in which he dismissed his appeal against the decision of the respondent made on 10 October 2016 to refuse an asylum and protection claim.
2. The applicant is a citizen of Sri Lanka, of Tamil ethnicity. His case is that despite having left the country in 2007 that he is now at risk on return as a result of cases which appear to have been brought against him arising from the fact that his father recently got into a dispute over land. These are referred to in a letter from the appellant's father's solicitor in Sri Lanka

which was written to the appellant's solicitors in the United Kingdom, that letter sets out in significant detail the nature of the dispute and how the cases has come about, it also attaches certified copies of various court documents. These are, I am satisfied, of the nature of the documents referred to in PJ (Sri Lanka) v SSHD [2014] EWCA Civ 1411.

3. I consider that in the circumstances of this case that the judge's dismissal of the letters at paragraph 5 is inadequate. He simply states that he has seen the documents with English translation, but does not say exactly what they are, nor does he give, in light of the fact that these documents did not emanate from the appellant himself, but rather from letters exchanged between his solicitors and lawyers in Sri Lanka. There is no proper attempt to apply Tanveer Ahmed to these cases, nor for that matter properly to apply the principles set out in PJ (Sri Lanka) and I consider that this amounts to an error of law.
4. Given that this goes primarily to the credibility of the appellant and it undermines all the findings of fact made by the First-tier Tribunal I am satisfied that the decision must be set aside and none of the findings of fact are preserved. I am therefore satisfied that in the circumstances it is appropriate to remit the decision to the First-tier Tribunal for a fresh decision on all issues.

SUMMARY OF CONCLUSIONS

1. The decision of the First-tier Tribunal involved the making of an error of law and I set it aside.
2. I remit the appeal to the First-tier Tribunal for a fresh decision on all issues.
3. I maintain the anonymity direction made by the First-tier Tribunal

Signed

Date: 6 September 2017



Upper Tribunal Judge Rintoul