



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

**Appeal Number: AA/12558/2015
AA/12559/2015
AA/12560/2015
AA/12561/2015
AA/12562/2015**

THE IMMIGRATION ACTS

Heard at Liverpool

On February 6, 2018

**Decision &
Promulgated**

On February 7, 2018

Reasons

Before

DEPUTY UPPER TRIBUNAL JUDGE ALIS

Between

**SR
RM
NR
AR
DR**

(ANONYMITY DIRECTION MADE)

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Mr Wood, Solicitor

For the Respondent: Mr McVeety, Senior Home Office Presenting Officer

DECISION AND REASONS

1. I extend the anonymity order previously ordered in this appeal.

2. Unless and until a Tribunal or court directs otherwise the appellants are granted anonymity. No report of these proceedings shall directly or indirectly identify the appellants or any member of their family. This direction applies to amongst others, the appellants and the respondent. Failure to comply with this direction could lead to contempt of court proceedings.
3. The appellants are Sri Lankan nationals. The first-named appellant entered the United Kingdom as a student and was accompanied by the second and third-named appellants. Since being here the third and fourth named appellants have been born. The first-named appellant claimed asylum on behalf of himself and his family on September 3, 2014. The respondent refused his application.
4. The appellant lodged grounds of appeal under Section 82(1) of the Nationality, Immigration and Asylum Act 2002. His appeal came before Judge of the First-tier Tribunal Brookfield (hereinafter called "the Judge") on May 17, 2016 and in a decision promulgated on May 22, 2016 the Judge refused his appeal on all grounds.
5. The appellant appealed the decision on June 10, 2016. Permission to appeal was refused by Judge of the First-tier Tribunal Landes on August 24, 2016. Permission to appeal was renewed and Upper Tribunal McWilliam gave permission to appeal on October 5, 2016. The substantive hearing was before Upper Tribunal Judge Bruce on March 1, 2017 and in a decision promulgated on March 29, 2017 she upheld the Judge's decision.
6. The appellant then lodged grounds seeking permission to appeal to the Court of Appeal. Vice President Ockelton considered the grounds and in a decision promulgated on July 12, 2017 he set aside Upper Tribunal Judge Bruce's decision. The grounds argued that the respondent failed to follow guidance in UB (Sri Lanka) v SSHD [2017] EWCA Civ 85.
7. The matter has since been listed on two occasions but for reasons set out on the court file the case was adjourned both on September 14, 2017 and November 28, 2017.
8. The matter came before me on the above date and the parties were represented as set out above.

FINDINGS ON THE ERROR IN LAW

9. Mr McVeety agreed that there was an error in law. The decision of UB placed a duty on the respondent to place before the Tribunal current policy, relevant evidence and guidance. This had not been done and the importance of the documents, that were not presented, meant the Judge did not have the latest information before her when she made her decision. He also accepted the Judge had referred herself independently to an out of date report that was not before her. As findings would need to be made afresh he submitted the appeal should be remitted to the First-tier.

10. Mr Wood had recently taken over conduct of this appeal and he agreed with the proposed course of action.
11. It should be noted that the only file that needs to be listed in this appeal is the first-named appellant's appeal (AA/12558/2015). None of the other files contain a decision that attracts a right of appeal albeit they are dependants on the main appeal.

DECISION

12. The making of the decision of the First-tier Tribunal did involve the making of an error on a point of law. I set aside the decision. I remit the decision to the First-tier Tribunal to be heard by a Judge other than Judge of the First-tier Tribunal Brookfield.

Signed

Date 06/02/2018

A handwritten signature in black ink, appearing to read "SPAL" with a flourish underneath.

Deputy Upper Tribunal Judge Alis