



**Upper Tribunal
(Immigration and Asylum Chamber) Appeal Number: AA/05927/2014**

THE IMMIGRATION ACTS

**Heard at Field House
On 25 February 2015**

**Determination Promulgated
On 25 February 2015**

Before

Deputy Upper Tribunal Judge MANUELL

Between

**MS RENUKA SAJEEWANI DAWUNDA MUDIYANSELAGE
(NO ANONYMITY DIRECTION MADE)**

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Ms D Lashley-Bobb, Solicitor (Migrant Legal Action)

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

DETERMINATION AND REASONS

Introduction

1. The Appellant appealed with permission granted by First-tier Tribunal Judge Nicholson on 31 December 2014 against the decision of First-tier Tribunal Judge JDL Edwards made in a decision and reasons promulgated on 26 November 2014 dismissing the Appellant's asylum, humanitarian protection and human rights appeals.

2. The Appellant is a national of Sri Lanka, born on 12 July 19869. She had appealed against her removal from the United Kingdom, a decision taken by the Respondent on 30 July 2014. The Appellant had entered the United Kingdom as an overseas domestic worker from Saudi Arabia in 2012. She had escaped from her employers on 22 August 2013 and sought help from a charity. She claimed asylum on 23 April 2014. She stated that she feared to return to Sri Lanka because of her husband who had been violent towards her, denied her contact with her daughter and from whom she was estranged.
3. When granting permission to appeal, First-tier Tribunal Judge Nicholson considered that it was arguable that Judge Edwards had erred in his assessment of the risk on return. The Respondent had accepted that the Appellant was a victim of trafficking and that she had suffered domestic abuse in Sri Lanka. Those concessions had not been withdrawn. It was arguable that the judge had thus erred when reaching his adverse credibility findings.
4. The Respondent filed notice under rule 24 indicating that the appeal was opposed. Standard directions were made by the tribunal and the appeal was listed for adjudication of whether or not there was a material error of law.

Submissions

5. Ms Lashley-Bobb for the Appellant relied on the grounds of onwards appeal earlier submitted, together with the grant of permission to appeal. Counsel submitted that the judge had erred by ignoring the important concessions which the Respondent had made in the reasons for refusal letter: see sections 2.2.a, b and c. His credibility assessment had thus started from the wrong point. There was no doubt that trafficked women were to be treated as members of particular social group: see Fornah [2006] UKHL 46 and related authorities. The decision and reasons should be set aside and the appeal reheard taking the Respondent's concessions into account.
6. Mr Wilding for the Respondent relied on the Respondent's rule 24 notice. He submitted that the decision and reasons disclosed no error of law. The issue of trafficking was not touched on in the judge's findings because it was not a live issue for the tribunal. There was nothing in the skeleton argument which had been before the judge to suggest that it had been argued that the Appellant was at risk of being re-trafficked from Sri Lanka. The judge's findings set out at [29] of his decision had nothing to do with trafficking. They had addressed the risks on return identified in the skeleton argument. The judge had found that the Appellant had not shown a well founded fear of return in objective terms. The finding was that the Appellant was a lone

female returning to Sri Lanka who was of no interest to the authorities.

7. In reply, Ms Lashley-Bobb reiterated her client's case. The adverse credibility findings were in effect unsound.

No material error of law

8. The tribunal accepts Mr Wilding's submissions. As always, the decision and reasons needs to be read as whole. The judge set out the Appellant's case and her evidence, including that of her expert witness, in succinct and accurate summary. At [19] the judge summarised the trafficking history. It was accepted that the Appellant's mother remained in Saudi Arabia where she was working. At no stage later in the decision did the judge doubt the essential facts which the Respondent had accepted or conceded. At section 3 of the reasons for refusal letter, the Respondent had stated that it was *not* accepted that the Appellant was at risk from her husband on return to Sri Lanka and that in any event there was a sufficiency of protection available to her and the reasonable option of internal relocation.
9. The judge gave detailed and sustainable reasons for finding that the Appellant had not given a credible account of her claimed fears of return to Sri Lanka. There was no claim before him that the Appellant was at risk on return of being re trafficked from Sri Lanka. There was no evidence that such an event was reasonably likely. The judge found that the Appellant had taken O level equivalents at school, had worked in Sri Lanka and would be able to find employment again.
10. The decision was a comprehensive reflection on the issues raised in the appeal, demonstrating abundant anxious scrutiny. There was no error of law. There is no basis for interfering with the judge's decision to dismiss the Appellant's appeal, which dismissal must stand.

DECISION

The tribunal finds that there is no material error of law in the original decision, which stands unchanged

Signed

Dated 25 February 2015

Deputy Upper Tribunal Judge Manuell