



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

Appeal Number: AA/09527/2015

THE IMMIGRATION ACTS

Heard at Field House

On 9 May 2016

Determination given orally at the hearing

**Decision &
Promulgated
On 19 May 2016**

Reasons

Before

UPPER TRIBUNAL JUDGE MCGEACHY

Between

**MR SURANGA RUKMAN SODRIYA KARAGAHAGAMA SODRIYA
BANDARAGE
(ANONYMITY DIRECTION NOT MADE)**

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Mr P Lewis of Counsel instructed by Theva Solicitors
For the Respondent: Mr L Tarlow, Home Office Presenting Officer

DECISION AND REASONS

1. I find that there is no material error of law in the determination of the First-tier Judge.

2. The applicant is a citizen of Sri Lanka born on 6 August 1979. He appeals against a decision of Judge of the First-tier Tobin, who in a determination promulgated on 15 March 2016 dismissed the appellant's appeal against a decision of the respondent to refuse to grant him asylum.
3. He asserted that he worked for a Government Minister between 2000 and 2009. Because of this he was introduced to a Major Alwis who asked him to sell gold for the LTTE. He did so to get the commission. He stopped doing this in 2005 because the government changed.
3. In 2006 he travelled twice to Britain, on the second occasion staying on to watch cricket before he returned to Sri Lanka. In 2009 he was asked by Major Alwis to accompany two Tamil men out of the country and he went with them to Singapore. It is not quite clear why he needed to do this given that they appeared to have gone through immigration control without any difficulty.
4. He then came to Britain in 2009 as a dependent of his wife who came as a student. He did not apply for asylum until 2014. He claimed that the police had gone to his family home in September 2014 and that had prompted him to claim asylum. At the screening interview he was asked "what is (or was)" his occupation. He replied "shop manager" (Question 1.9).
6. Having set out the evidence and submissions the judge reached his conclusions in paragraphs 15 onwards of the determination. He took into account relevant country guidance. He did not find that the appellant was credible. He found that the appellant's evidence was "riddled with inconsistencies" placing weight on the fact that the appellant had said initially said that he had been a shop manager rather than that he had worked for the government. He placed weight on the fact that the appellant considered that the LTTE was a terrorist organisation, that his father and brother were policemen and that he was, of course, Sinhalese and that the appellant was clearly not a supporter of the LTTE. The judge placed weight on the fact that the claimed visit of the police to his father's house was around the time that his claim for asylum had been refused. In paragraph 31 he stated that if the appellant was of interest to the authorities it would be likely to be because of criminal activities such as gold smuggling or people smuggling for money. He rejected the basis of claim which was that the appellant would be "implicated by association, membership or activities with the LTTE".
7. The grounds of appeal place weight on the report of Dr Smith who said that the appellant's claim was plausible. However, the judge took into account that report and noted that Dr Smith accepted that it was for the court to reach conclusions regarding the credibility of the appellant. The grounds go on to state that the fact that the appellant had stated that he had not received money for taking the two men to Singapore somehow backed up his account. It is not, however, clear why that would be so.

8. In his oral submissions Mr Lewis argued that the Judge had not engaged with the application's claim or given anxious scrutiny to the issues before him. He placed weight on the assertion that the appellant had misunderstood the question when he was asked what his occupation was.
9. While I accept that there might be an argument that the appellant thought that he was being asked about what work he did in Britain the reality is that on the totality of the evidence I consider that the Judge was entitled to find that the appellant's claim was not credible. He did properly consider the issues before him: the reality is that the appellant did not put his claim on the basis that he would be subject to criminal sanctions on return. There was a paucity of evidence about Major Alwis. The judge was entitled to place weight on the fact that the appellant was Sinhalese and that he clearly did not support the LTTE and had never claimed to have done so. The judge did take into account the various expert reports before him those from Dr Zapata and Dr Smith and I consider that he reached conclusions which were fully open to him: he was entitled to conclude that the appellant did not have a well-founded fear of persecution for a Convention reason. I therefore consider there is no material error of law in the determination of the First-tier Judge and I dismiss this appeal.

Notice of Decision

The decision of the Judge in the First-tier does not contain an error of law and his decision therefore stands. This appeal is dismissed.

Signed

Date 19th May 2016

Upper Tribunal Judge McGeachy