



Upper Tribunal
(Immigration and Asylum Chamber)

Appeal Number: AA/08559/2012

THE IMMIGRATION ACTS

Heard at Field House
On 15 January 2014

Determination Promulgated
On 20 January 2014

Before

DEPUTY UPPER TRIBUNAL JUDGE DAVID TAYLOR

Between

MR SRIMOHAN THAVARASA

and

Appellant

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Ms J Rothwell of Counsel
For the Respondent: Ms J Isherwood, Home Office Presenting Officer

DETERMINATION AND REASONS

1. This is an appeal by the appellant against the decision of the First-tier Tribunal (Tribunal Judge Abebrese) which dismissed the appellant's appeal against the decision of the Secretary of State to refuse his claim for asylum.

2. The appellant is a citizen of Sri Lanka. He claims that he was forcibly recruited to work for the LTTE and that he was arrested and tortured in 2007 and in 2010 until his release on payment of a bribe in July 2011. He bears scars which are the subject of medical and expert reports.
3. The grounds seeking permission to appeal argue that the First-tier Tribunal Judge failed to deal adequately with the expert reports from Dr Smith and from Dr Martin and in particular failed to give any or adequate reasons why he rejected the conclusions of those reports.
4. At the commencement of the hearing before me it was conceded by the Presenting Officer that the determination was defective for all the reasons set out in the grounds. I agree. I am satisfied that the First-tier Tribunal Judge failed adequately to engage with the expert reports that were before him and to give any or adequate reasons generally for his findings and conclusions. He found many of the appellant's assertions not to be credible but gave no specific reasons for many of those findings.
5. It was agreed by both representatives that the First-tier Tribunal determination should be set aside in its entirety and the appeal remitted to the First-tier Tribunal for a fresh hearing.

Decision

6. Accordingly my decision is that the determination of the First-tier Judge contains an error of law. I set it aside and remit the matter in its entirety to the First-tier Tribunal at Taylor House (for hearing by any judge other than Judge Abebrese).

Deputy Upper Tribunal Judge David Taylor
17 January 2014