



Upper Tribunal
(Immigration and Asylum Chamber)

Appeal Number: AA/10335/2011

THE IMMIGRATION ACTS

Heard at Field House
On 12 February 2014

Determination Promulgated

Before

UPPER TRIBUNAL JUDGE ESHUN

Between

MR J A J

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Mr. G Davidson, Counsel

For the Respondent: Mr. T Wilding, HOPO

DECISION ON ERROR OF LAW

1. The appellant is a citizen of Sri Lanka, born on 2 July 1988. He entered the UK on a student visa in January 2011. He claimed asylum on 26 July 2011. The SoS refused his application on 24 July 2011. The appellant's appeal against the respondent's

decision was dismissed by Immigration Judge CM Phillips in a determination promulgated 21 November 2011. The Judge's decision was set aside by UTJ Lane. On 21 May 2012 a DUTJ held that the judge materially erred in law and her decision could not stand. The appellant's appeal was again dismissed by UTJ Martin in September 2012. Her decision was quashed by the Court of Appeal as disclosing an error of law for the reasons set out in the Statement of Reasons.

2. The parties have agreed that the error of law identified in the Statement of Reasons has infected the whole of the UTJ's credibility findings. Therefore the appellant's case has to be heard de novo.
3. The appellant's appeal is remitted to the FtT at **Hatton Cross** to be heard afresh by a judge other than Judge Phillips.

Signed
Upper Tribunal Judge Eshun

Date

DIRECTIONS

1. **A CMR would be required in light of the age of the case and to identify the issues that will be argued by the appellant and to issue appropriate directions.**