



**Upper Tribunal
(Immigration and Asylum Chamber)
AA/09885/2012**

Appeal Number:

THE IMMIGRATION ACTS

Heard at Field House

On 6 July 2017

Decision &

Promulgated

On 19 July 2017

Reasons

Before

UPPER TRIBUNAL JUDGE KING TD

Between

JK

(ANONYMITY DIRECTION MADE)

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Ms B Jones, of Counsel, instructed by Tamil Welfare Association

(Romford Road)

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

DECISION AND REASONS

1. The appellant is a citizen of Sri Lanka born on 5 May 1982. He arrived in the United Kingdom in September 2012 having left Sri Lanka and travelled via Dubai and Frankfurt. When encountered by police in Leicester he claimed asylum and was interviewed in connection with that claim.
2. On 18 October 2012 the respondent refused to grant the appellant asylum or other protection. It is against that decision that an appeal was lodged.

3. There is a somewhat protracted history relating to the progress of the appeal. It initially came before First-tier Tribunal Judge Williams who, in a determination dated 28 January 2013, dismissed the appeal. Subsequently that decision was set aside and the matter came before First-tier Tribunal Judge Molloy on 21 November 2013. The appeal was also dismissed. A subsequent appeal to the Upper Tribunal the appeal was heard by Upper Tribunal Judge Roberts on 5 August 2014. She found there to be no error of law on the part of the First-tier Tribunal Judge and therefore dismissed the challenges made to his decision.
4. Her decision was itself the subject of challenge and by order of Lord Justice Underhill of 12 August 2016 her decision was set aside. It was ordered that the appellant's case would be remitted to the Upper Tribunal for the Tribunal to reconsider the appellant's case subject to preserved findings.
5. Thus it is that the matter comes before me on 6 June 2017 in effect to re-determine the appeal of the appellant.
6. I note that there is a substantial volume of documentation contained in bundles A, A1, B and C, together with a number of reports and freestanding items of material, together with photographs and miscellaneous documents. I am grateful to both parties for detailed submissions in writing, as well as the submissions made in the course of the hearing itself. I have made a detailed note of the submissions made and have taken those into account in the preparation of this determination, whether or not they are specifically mentioned.
7. The appellant's own account is set out in three witness statements of 27 November 2012, 13 June 2013 and 5 June 2017, also in the interview for asylum itself. He adopts those statements as his evidence-in-chief.
8. The appellant studied in Jaffna up until 1996 and moved from there upon the army invasion of Jaffna to Vanni with his parents.
9. His older sister joined the LTTE in 1989 and was killed in action in 1990. Another sister committed suicide because of the depression caused by her death.
10. His brother JK also lived in Vanni. His other brother JH joined the LTTE in 1990 because of his youth and was removed from the LTTE and sent to Colombo to live with an uncle.
11. Whilst in Vanni his father bought farm land and he and his brother JK helped on the farm. The appellant learned to drive and was employed as a mini bus driver by his uncle. The LTTE would borrow the mini bus for their transportation. He also assisted in relation to the LTTE stores in Vavuniya in 2002.
12. In 2005 he went to Colombo with his brother and assisted finding accommodation for LTTE members coming to Colombo. He opened his own restaurant in Colombo and ran a beauty parlour.

13. The appellant was first arrested in August/September 2005 for taking LTTE members from Pettah to Colombo in a rickshaw and for having an LTTE pass. He was fingerprinted and photographed for a day and then released with a bribe. He claims that during that brief detention he was tortured and beaten with a cane and a ruler to his head and stamped on his body. His skull was broken as was his thumb and he was hit forcibly on his eardrums.
14. He was arrested again on 6 January 2006 when attending his grandmother's funeral. Again, it was on suspicion of being in the LTTE. He was tortured, beaten and photographed but released upon payment of a bribe.
15. His brother JH was arrested in Colombo and taken to prison. He said he was arrested three times in connection with his brother, in that the authorities wanted more information about him as well as information about his own involvement in Colombo. He was interrogated in Colombo for a full day in a prison. He was interrogated at Poosa Camp. On the third interrogation the CID came to his restaurant and he was interrogated again. After the last interrogation he went to Vanni and assisted the LTTE in the last phase of war.
16. The LTTE were defeated in May 2009 and he also was arrested at that time and taken to Cheddikulam Camp where his uncle bribed the ERDP and secured his release.
17. He stayed thereafter with his uncle in Colombo, moving back to the Vanni area in 2011
18. Subsequently, in 2012 he was identified by the ERDP member who had accepted the original bribe in 2009 and who started a demand for the money from him. Thus it was that he fled Sri Lanka. He now has two brothers in the United Kingdom and one in Canada.
19. It is his case that he has a significant profile, given that his family was a prominent family in terms of supporting the LTTE. There was the sister who fought for the LTTE as well as his brother who has been granted asylum in Canada and who had escaped from bail. That case it is said is still outstanding with the authorities. He was also part of the famous high LTTE profile, S's family. The wife of S is his second cousin from his father's side.
20. In his second statement the appellant expands a little more on the events with the ERDP, which led to his departure from Sri Lanka. The Government gave permission for his parents to return to Vanni. He stayed with his uncle until May 2011 and thereafter rejoined his parents. He started to work as a driver on his own account. On the way from Colombo to Vavuniya one day he was identified at a checkpoint as an LTTE member and two EPDP members visited his house demanding money to withhold that information. He paid a bribe to one EPDP member; the other also

sought to demand money as well. He fled from Sri Lanka on 14 August 2012. He said that at that time his brother was in Canada, the Canadian authorities making an allegation on the internet that he had a high profile. He maintains that his brother JH continues to have a high involvement with the LTTE because of the current MV Ocean Lady smuggling case and his escape of bail.

21. In the final witness statement he spoke of his five siblings. His two sisters died and he has two brothers in the UK and one, JH, is in Canada. He spoke in a little bit more detail about the LTTE Commander, Colonel S. His wife is under Government supervision with her children and her father is in the United Kingdom. His wife and her brothers are first cousins to the appellant's father. Photographs had been produced showing that link.
22. He that the second EPDP person has visited the family home on a number of occasions. He was not sure of the dates. The EPDP personnel came to his parents' home whilst he was in the United Kingdom seeking to find him.
23. The appellant makes it clear at paragraph 34 "There have not been any recent visits or any visits specifically mentioning my diaspora activities with the TGTE". His three brothers are unhappy with him about his activism as that might create difficulties for his mother.
24. The appellant was questioned by Mr Melvin in connection with the account which he gave. He said he spoke to his mother over the phone through the offices of a friend. He had last spoken to her two or three weeks previously to the hearing. He has aunts and uncles but at the current time no contact with them. His mother lives in Vavvnikkunam, which is in the valley region. He indicated that there had been no recent visits by the police or authorities to her. He said that in the past there had been a number of visits on dates that he could not remember.
25. He said he attended a TGTE meeting.
26. The authorities after having seen the video visited her and threatened her. That was after the Remembrance Day meeting in May 2016. He agreed that that event was not in his witness statement. His brother told him not to go to that meeting. Because of the forthcoming hearing he had spoken to his mother and had obtained that information. He insisted that he had not made things up. He had not requested from her any confirmation of that visit.
27. He was asked why none of his brothers had come to the hearing to support him in his account. He said that his mother was ill and they were angry with him for his UK activities, as they thought such would bring danger to her. His father had had a heart attack in 2013 and he was blamed by them for that as well.
28. He said that he had attended TGTE meetings for two years and became a member in 2015. He has applied for an identity card and is a supporter

and helping them. He has no letter from that organisation to support what he says and he did not ask them for one. He just supports them. He goes to the meetings which are held once a month. He also attends demonstrations and protests. He produced a number of photographs identifying the occasions that he had attended public demonstrations. in 2015, 2016. He said that he addressed the crowd at the meeting on 7 June 2016 but anybody could speak. He attended an Independence Day protest on 4 February 2017 and the Heroes Days in 2015 and 2014. He admitted that he was not in conversation with his brothers as they had fallen out. He said that details of the visit in May 2016 had arisen from the conversation that he had had with his mother when he spoke to her two or three weeks previously.

29. By order of the Court of Appeal a number of findings of fact were preserved, those being:-
- (1) that the appellant was previously involved with, and supported the LTTE;
 - (2) that the appellant provided administrative and logistical support to the LTTE including arranging houses for LTTE members;
 - (3) that the appellant came to the attention of the Sri Lankan authorities and was questioned and physically ill-treated;
 - (4) that the appellant was forced to pay a bribe to an EPDP personnel in August 2012 in order that he would not be arrested by the Sri Lankan Army;
 - (5) that a bribe was paid to secure the appellant's release from detention;
 - (6) that upon a return to Sri Lanka the appellant could reasonably be likely to be identified as someone who has never undergone military training but was involved in sheltering or transporting LTTE personnel or the supply and transport of goods for that organisation.
30. A number of documents were presented to amplify some of the detail which had been set out. There was a document, dbsjeyaraj.com, dated 6 June 2017 giving some detail concerning Sea Tiger Commander S. He was a former Commander of the Naval Division of the LTTE. He fought but died in May 2009. The article generally set out some of the details about his life and experiences. There were passages involving comments about him by his wife, but little concerning her current situation and circumstances and that of the surviving children. There were also photographs showing the family grouping, the appellant's father's sister and appellant's father-in-law and appellant's cousin and appellant's sister-in-law linked with S and his family.
31. There are also photographs of the appellant's sister taken whilst she was in the LTTE before she was killed.

32. There are a number of articles relating to the MV Ocean Lady trial involving the trial of four men accused of ferrying dozens of Tamil migrants to British Colombo's west coast in August 2009. This was in the context of a suggestion of human smuggling. It is said that the appellant's brother JH is one of the accused. He said that all four accused remain on bail and are living in Ontario. The vessel was carrying some 76 men, fifteen of whom have now been accepted as refugees, fifteen of whom have had their claims rejected. Linked with that concern is the MV Sun Sea which arrived a year later carrying 492 Tamil migrants. That later matter has been to trial and has resulted in the acquittal of those that were concerned with the MV Sun Sea. The trial of those involved with the MV Ocean Lady is shortly to begin again, according to a news local item from January 2017. The delay in the trial would seem to be because a new trial had been ordered. The MV Ocean Lady was said to be a gun running vessel that transported weapons to Tamil Tigers during the war. There was a suggestion that some of those who were aboard the vessel had links to the LTTE.
33. There is also the medical report of Professor Lingam dated 18 November 2012 ,dealing with the ill-treatment said to have been meted out to the appellant. On his first arrest he was beaten with a wooden stick and slapped on the head and kicked with booted feet on the second occasion. On the third occasion in 2007 no physical injury, or in 2007. For the rest the appellant was slapped on the head with an open hand and on the sixth arrest in May 2009 he was not hit or physically injured on that occasion. The nature of the injuries that are complained of are noted in the report. Given the preserved nature of the facts, little perhaps turns upon that report otherwise than confirming the ill-treatment of the appellant on certain occasions.
34. There is an article from a website talking about the Great Heroes Day as being an LTTE event and not a Tamil National Day of mourning. This is something celebrated on 27 November every year to commemorate fallen Tigers.
35. It is said that taking these matters individually and cumulatively they present the appellant as someone having a significant anti-Government profile such as to lead to his persecution were he to be returned.
36. In that regard considerable reliance is placed by the appellant and his advisors upon a detailed expert opinion of Dr Suthaharan Nadarajah prepared on 12 April 2017. It is a very lengthy report from someone who speaks of himself as being an expert in international studies and diplomacy, having conducted research into Sri Lanka's armed conflict, peace interventions and diaspora mobilisation. He cites his recent experience as an independent reviewer and someone invited to speak on protection failure in Sri Lanka at a congress in Berlin.
37. For the most part his report is a generic report contending that torture and sexual violence in custody continues. There are potentially more

draconian powers in detention existing at present. It is his view, as detailed in paragraph 92 and onwards, that there are continuing arrests and harassment of those with links or suspected links to the LTTE. He describes the lack of detail about such matters as arising from a fear by individuals and of journalists or reprisals. It is his view that the arrests of male LTTE cadres and others escalated in April and May 2016 in the weeks running up to 18 May anniversary of the war's end. In support of his proposition he highlights the abduction of a Tamil man in June 2016, two men in June 2016 for bearing LTTE insignia, the brief arrest of the leader of a youth organisation.

38. The expert cites very few practical examples in support of the widespread abuses which he claims to exist and pays little direct attention to the practicalities of the appellant's individual case or of those that are said to be concerned with him. The report is, I so find, a rather generic and presents general brush approach to the matters contained therein.
39. I say that in the light of the current guidance cases, namely **GJ and Others (post-civil war: returnees) Sri Lanka CG [2013] UKUT 00319 (IAC)** and **MP and NT [2014] EWCA Civ 829**.
40. In particular the reviewed risk factors as set out, particularly in paragraph 356 of **GJ** as set out also in paragraph 3 of **MP and NT**. It was noted in that Judgement that the focus of the Sri Lankan Government's concern has changed since the civil war ended in May 2009, the subject now being to identify Tamil activists in the diaspora who are working for Tamil separatism and to destabilise the Sri Lankan state.
41. Thus, those persons potentially at risk are those perceived to be a threat to the integrity of Sri Lanka as a single state or perceived to have a significant role in relation to post-conflict Tamil separatism within the diaspora, which may include journalists or human rights activists or individuals who have given evidence, and indeed a person whose name appears on a computerised stop list.
42. It is to be noted that the Sri Lankan authorities approach is based on sophisticated intelligence, both as to the activities within Sri Lanka and the diaspora. The authorities know that many Sri Lankan Tamils travelled abroad as economic migrants and that everyone in the Northern Province had some level of involvement with the LTTE during the civil war post-conflict. An individual's past history will be relevant only to the extent that it is perceived by the Sri Lankan authorities as indicating a present risk to the unity of the Sri Lankan state or Sri Lankan Government.
43. Clearly, the court must assess the evidence, affording such weight as is appropriate.
44. It is significant that in this particular case considerable reliance is placed upon the UNHCR documentation dealing with risk profiles. In those documents the UNHCR maintains that there is a wider category of risk that is applicable, which includes former LTTE combatants or cadres; those employed by the LTTE in administration, intelligence and computers and

former LTTE supporters who may never have undergone military training but were involved in sheltering or transporting LTTE personnel or supplying and transporting goods for the LTTE and person with family links or who are dependent on or otherwise closely related to persons with the above profiles.

45. These categories are of some importance as they are relied upon as significant risk factors in this case. The appellant was not a combatant but was involved with transport and shelter, and has or had family links with persons having perhaps a greater profile as a combatant or in the LTTE.
46. The Court of Appeal makes it clear in MP and NT, particularly in paragraph 8 of its judgment, that such links are not determinative of an asylum claim. It notes that the guidance expounded by the Upper Tribunal in paragraph 356 of its decision does not simply recycle the UNHCR text.
47. It is recognised that the issue, which lay at the heart of the challenge made to **GJ**, was the relationship between the country guidance promulgated by the Upper Tribunal and the UNHCR guidelines. Paragraphs 295 to 352 of the Upper Tribunal's determination contain a detail explanation as to why the Upper Tribunal in the country guidance came to a more restrictive conclusion, given that over 1,000,000 Tamils live in the diaspora and that the risk of LTTE resurgence lies primarily from the diaspora and not within Sri Lanka. It is to be recognised that in practice all those who lived in areas where the LTTE was de facto Government during periods of civil war will have LTTE connections, hence the finding by the Upper Tribunal of real changes since 2009. The Court of Appeal indicated that in that connection, the Upper Tribunal had or was entitled to accept the evidence of Professor Gunaratna, in that it was rational and permissible to narrow the risk categories.
48. Similarly, in terms of political activities in the diaspora, it was not considered by the Upper Tribunal in GJ as indicated in paragraph 336 of the determination that the attendance of demonstrations in the diaspora alone would be sufficient to create a real risk or reasonable degree of likelihood that a person would attract attention on return. An attendance at one or even several demonstrations is not by itself evidence that a person is a committed Tamil activist seeking to promote Tamil separatism within Sri Lanka. It was not for the political indifferent to seek to bolster an asylum claim by opportunist participation. Rather the concern is with genuine demonstrators who may be put at risk as a result of surveillance and video recording or photography. This was particularly so given the level of sophistication in the intelligence gathering. In summary therefore the Court of Appeal upheld the approach of the Upper Tribunal in **GJ**.
49. Seeking as I do, therefore, in analysing the risk on return to the appellant, I seek to put all that is presented on his behalf in its overall context.
50. Generally speaking, and particularly in reliance of the evidence given in the appellant's interview and his first two statements, there would seem to be little basis to doubt the general credibility of what was said about his involvement and the reasons which caused him to leave. He cited a

number of occasions when he was detained and sometimes ill-treated and sometimes not and the report of Professor Lingam deals with that aspect. It is of course significant that the majority of the detentions occurred prior to 2009 and the last actual detention was indeed when he, together with many many Tamils were detained in May of 2009.

51. I do not find that his activities of providing transport on a small scale to LTTE personnel or helping in stocking stores or finding some accommodation, created any significant profile at all. He was not a quartermaster, he was not an organiser of large scale transport, he was not somebody in a significant leadership role, whether a combatant or not. Some of the detentions he says were as a result of being found with the wrong material or in the company of the wrong people, and sometimes on account of the questions being asked about his brother. The point being made of course in the country guidance that many hundreds of thousands of Tamils, certainly in 2009, would have had some connection with the LTTE.
52. Perhaps of more significance in terms of profile, is that from his release, after paying a bribe in May 2009 until he was confronted by a member of the EPDP to pay a bribe in August 2012, he had lived with his uncle in Colombo for much of that time, seemingly without any difficulties at all. The fact that his distant cousin was a Naval Commander; the fact that his brother absconded from bail; the fact that his sister had died in conflict did not create, as I so find, any significant interest in him by the authorities. There are no arrest warrants or other police documents in existence to indicate that he remained a wanted man. Although a bribe does not necessarily secure immunity from further arrests, there has been no indication at all that he was wanted, or indeed is wanted by the authorities after his release in 2009. In reality, many thousands of Tamils were released, whether officially or by bribes in the aftermath of the events of May 2009.
53. The way in which he came across the EPDP individuals was by chance at a checkpoint rather than being deliberately sought out. It is entirely clear, by the behaviour of the two men, that they saw an opportunity for financial advancement by seeking to exploit the appellant and blackmail him into paying. There is no indication at all that they were operating in any official capacity, or indeed had any lawful basis for their behaviour. Although it is very easy to contend being EPDP led Government involvement, such seems to me to be somewhat unrealistic in the overall context of the case. That they may have returned on occasions to the home in Vanni may be more to do with their greed than with any continuing interest in him on any official basis.
54. The appellant relies on his distant relationship with the Naval Commander, but it is to be noted, in all the papers that have been provided, that the Commander's wife is out of custody. No evidence has been presented at all to show that any government enquiry has been made of the appellant's mother, or indeed of any other family members in Sri Lanka in connection with that Commander. He is dead and therefore his threat perhaps has

ceased to exist. Indeed, there was some suggestion in the papers that were presented that his family had made off with some gold, silver and money, which may in itself have provided some interest by the authorities in his next of kin. Actually, there is nothing presented to show that the relatives of that Commander have suffered as a consequence of his position.

55. Reliance is placed upon the activities of the brother, JH, but once again those matters are shrouded somewhat in the mists of uncertainty. This was the brother who initially fought for the LTTE but was recalled because he was underage and should have attended school. It is not clear from the documentation presented as to what it was that caused his initial arrest and detention. There was no indication as to what he is said to have done, and once again no statement from him, or indeed any court or other documentation to give any indication that the authorities have a desire to detain him. Even were it the case that the brother had been arrested in the years leading to the 2009 conflict and that the appellant had been questioned about it from time to time, there is nothing to indicate that the brother had any significance beyond 2009. Indeed, in 2009 he was one of the four arrested in connection with the Ocean Lady, the boat taking Tamil migrants in the immediate aftermath of the defeat in May 2009. The focus of concern for him, as publicised in the press, is that he is a smuggler of people, not a political activist. Indeed, it is the evidence of the appellant that his three brothers want little to do with him because they are not activists and resent his activities in potentially exposing their mother to difficulties from the authorities. It is difficult without more to conclude, therefore, that the authorities would have any interest in an individual in those circumstances, seeking to use a former vessel of war as a vessel of transportation for refugees.
56. Little has been adduced in the course of the evidence that the authorities have expressed any continuing interest in him.
57. In terms of political activities the appellant indicates that he has little official standing, and indeed has yet to obtain membership of the organisation, or at least may have recently obtained it. Significantly he came to the United Kingdom in 2012, but his activities in support of the organisation would seem to have started in 2014/2015, generally being limited to attendance at meetings and occasionally speaking at them as a member of the crowd. It is difficult to imagine, therefore, that with their sophisticated observation that the authorities would sensibly regard him as having any profile such as to meet the profile set out in the country guidance cases.
58. In saying that, of course I bear in mind in fairness to the appellant that there is one element of the evidence which bears particular scrutiny and that relates to the claimed visits to his mother.
59. Significantly, in the statement of 27 November 2012, particularly at paragraph 44, the risk which is said to arise was the risk due to his brother's escape from bail, his contributions to assisting the LTTE and his

relationship to S's wife. As I have indicated, none of those matters were the subject of any interest by the authorities in the three years that the appellant was in Sri Lanka, and it would be surprising if indeed therefore that that was a well-founded fear even as expressed in that statement. The second statement of 13th June 2013 is a reference to the threat to his mother by the second EPDP person and that was before he left Sri Lanka. There is no mention in that second statement of any other visits paid to his mother. Indeed, if the authorities were hunting his brother, why did they not make the obvious enquiries at his home as well?

60. In terms of the third witness statement made on 5th June 2017, presumably in anticipation of the hearing and four years having expired from his last witness statement, the appellant finds it difficult to be precise about the people who attended at his parents' home after he had left. The second EPDP man seemingly had attended two or three times. As I have indicated, I do not find it reasonable that he represented in any way authority as opposed to greed. After the EPDP personnel came to the home, the purpose of their enquiry or interest simply would be to ask where he was and threaten to find him when he came back.
61. Significantly in paragraph 34 it states as follows, "There have not been any recent visits or any visits specifically mentioning my diaspora activities with the TGTE". That stands in contrast with the evidence given orally at the hearing that on in May 2016, the authorities had come to the home, specifically on the basis of what had been seen on a video. I find that the omission to mention that significant fact in a statement prepared for the hearing, fundamentally undermines the appellant's credibility on that particular point. If information was given by his mother three weeks before the hearing and before the making of the statement, I do not find it reasonably likely that he would have forgotten or considered that of little account. Clearly, if there was such a visit that would be some evidence that the authorities were considering that he was someone to be investigated, but I do not find the appellant to be credible on that matter.
62. Thus in relation to these matters I do not find that the appellant has any profile such as to engage with the risk factors as set out in **GJ**, nor do I find any evidence of any interest in him by reason of his family members as exhibited, either before he left Sri Lanka or afterwards.
63. Of course I read **GJ** in the light of the expert evidence which has been summarised but for the reasons that I indicated I give little weight to the conclusions of Dr Nadarajah. His report is general in nature with very few examples and fails to condescend upon particulars, even when dealing with the appellant's situation. I see no reason to depart from the guidance that has been provided by the Upper Tribunal as endorsed by the Court of Appeal.
64. In assessing the risks I bear in mind of course the due standard and burden of proof that is to be applied in the reasonable likelihood or real risk, and indeed as that set out in the Immigration Rules in relation to protection.

65. The only potential risk to the appellant may be if he returns to his mother's home in Vanni or nearby, he may encounter some members of the EPDP. Once again, some five years or so have elapsed from his departure and there would be nothing to prevent his going to Colombo where he indeed lived and worked for a number of years without any incident. There is no reason to believe that those rogue individuals, who may seek to benefit from him in terms of finance would have the resources or the knowledge to track him down in Colombo. No doubt there is also a sufficiency of protection against criminal activities as opposed to Government ones.
66. In all the circumstances therefore I find no basis to find that the appellant would be
at real risk of ill-treatment upon return to Sri Lanka, nor do I find that the conditions
of humanitarian protection **would apply to him**
67. In terms of his family and private life he is a single person who, on his own account, is estranged from his own brothers. He had relatives with whom he lived in Sri Lanka, seemingly without incident, namely an uncle in Colombo to name but one. I see no reason why he may not safely and fairly return. I bear in mind his medical condition as set out in a number of reports and in particular a report of Dr Obuaya on 5th June 2017, a GP medical report by Dr Menyon of 1st June 2015. In terms of the mental state examination of 3 June 2007 the appellant was orientated as to time and place, speaking spontaneously and coherently. No current suicidal ideas were elicited but he was frustrated. Moderate depressive symptoms were noted but he did not meet the diagnostic criteria for a separate diagnosis of PTSD. He was assessed as having a low risk of suicide but such might increase on return. Such a risk would be minimised by regular monitoring and medication. I find nothing to suggest a lack of family support on return or the absence of medical facilities or medication. I find nothing in his condition to engage Article 3 ECHR or any basis to conclude a breach of Article 8 rights. He does not meet the Immigration Rules nor are there any compelling circumstances as to render removal disproportionate.
68. In all the circumstances the appellant's appeal is dismissed as to asylum, humanitarian protection and human rights.

Direction Regarding Anonymity - Rule 14 of the Tribunal Procedure (Upper Tribunal) Rules 2008

Unless and until a Tribunal or court directs otherwise, the appellant is granted anonymity. No report of these proceedings shall directly or indirectly identify him or any member of his family. This direction applies both to the appellant and to the respondent. Failure to comply with this direction could lead to contempt of court proceedings.

Signed

A handwritten signature in black ink that reads "P. Q. King". The signature is written in a cursive style with a large initial "P" and a long, sweeping underline.

Date 18 July 2017

Upper Tribunal Judge King TD