



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

Appeal Number: PA/00670/2019

THE IMMIGRATION ACTS

**Heard at Field House
On 17th May 2019**

**Decision & Reasons Promulgated
On 11th June 2019**

Before

UPPER TRIBUNAL JUDGE MARTIN

Between

**W B M F
(ANONYMITY DIRECTION MADE)**

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Ms S Anzani, Counsel instructed by Nag Law Solicitors
For the Respondent: Miss L Kerry, Home Office Presenting Officer

DECISION AND REASONS

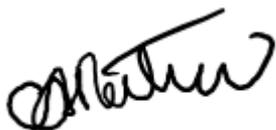
1. This is an appeal to the Upper Tribunal by the Appellant in relation to a decision and reasons of First-tier Tribunal Judge Colvin promulgated on 14th March 2019. The Appellant in the case is a Sinhalese Sri Lankan lady who had made a protection claim on the basis that the authorities were targeting her because she had given assistance to Tamils. The First-tier Tribunal made adverse credibility findings on a number of bases. Some was due to inconsistencies and confusions in the evidence, some was on the basis of criticisms of documents concerning LLRC and the judge also did not attach weight to documents submitted by the Appellant, it was claimed, from Colombo Magistrates' Court. The judge said at paragraph

30 of the Decision that none of the documents purporting to have been issued by the Colombo Magistrates' Court were certified but only appeared to have a rubber stamp and several of them did not include any official Magistrates Court heading. In that the judge made a factual error because the documents have been certified and do contain the requisite headings. It is argued that had the judge not made that mistake she may have found those documents to be reliable which would have had an effect on the overall credibility of the appellant's claims because, if reliable, those documents support what she says.

2. Another issue is at paragraphs 32 and 33 of the Decision where the judge deals with the LLRC but there is an important document contained at page 36 of the Appellant's bundle which the judge does not deal with and that is a letter about the Appellant from the LLRC to a priest.
3. Consideration was given as to whether the matter could be simply re-decided factoring in the documents to the findings made by Judge Colvin but given the failure to deal with other pieces of evidence and the fact that the overall findings are tainted by the error of fact, it is appropriate the case be overturned in its entirety and remitted to the First-tier Tribunal for a full rehearing on all issues. The appropriate hearing centre is Taylor House.

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 their 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

Date 3 June 2019

Upper Tribunal Judge Martin