



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

Appeal Number: PA/03389/2019

THE IMMIGRATION ACTS

**Heard at Field House
On 3 October 2019**

**Decision & Reasons Promulgated
On 10 October 2019**

Before

UPPER TRIBUNAL JUDGE LANE

Between

**LV
(ANONYMITY DIRECTION MADE)**

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Not present or represented

For the Respondent: Mr Tarlow, Senior Home Office Presenting Officer

DECISION AND REASONS

1. The appellant was born in 1984 and is a male citizen of Sri Lanka. He appealed against a decision of the Secretary of State dated 3 April 2019 refusing his application for international protection. The First-tier Tribunal, in a decision promulgated on 20 May 2019, dismissed his appeal. The appellant now appeals, with permission, to the Upper Tribunal.
2. The appellant and his solicitors, MTC & Co, were given notice of the hearing at Field House on 3 October 2019 by first class post on 11 September 2019. There is nothing on the Tribunal file to indicate that the notice of hearing failed to reach either of the intended recipients. Neither

the appellant nor his solicitors have provided any or any satisfactory excuse or explanation for failing to attend the hearing on 3 October 2019. I am satisfied that both the appellant and the solicitors were served with the notice of hearing and that they have, without explanation or excuse, chosen not to attend the initial hearing on 3 October 2019. Accordingly, I have proceeded with a hearing in the absence of the appellant/his representatives.

3. There are three grounds of appeal. First, the appellant asserts that the judge failed to consider country guidance and objective evidence relating to his ability to exit Sri Lanka legally. The judge concluded that would not have been possible for the appellant easily to leave Sri Lanka through the main airport without being detected or apprehended by the Sri Lankan authorities had he been wanted by those authorities [46]. The appellant seeks to rely on the country guidance of *GJ and others (post-civil war: returnees) Sri Lanka CG [2013] UKUT 319 (IAC)*. The Upper Tribunal found that, given the prevalence of bribery, it may be possible to leave the airport even when one is being actively sought by the Sri Lankan authorities. However, the appellant did not claim that he had used bribery to leave the airport. Instead, he claimed that he his wife had been accompanied by a Buddhist monk whose presence had enabled them to leave without being apprehended. There is nothing in the country guidance which contradicts the judge's finding that it was not reasonably likely that the appellant would be able to leave the airport simply because he was accompanied by a Buddhist monk. It was a finding available to the judge on the evidence.
4. Secondly, the appellant asserts that the judge has given too much weight to the answers which he gave at the screening interview. The judge found a number of discrepancies between the evidence given by the appellant at the screening interview and elsewhere in the course of the application for asylum and appeal. The grounds [10] submit that the judge should have allowed for 'mistakes and misunderstandings in the screening interview record.' The ground has no merit. The judge has produced a detailed and thorough decision which has clearly been based upon an assessment of the totality of the evidence. It is not the case that the judge has given excessive weight to the screening interview or any other particular item of evidence. The judge was well aware that the screening interview is not intended to be 'detailed but should provide a platform for the appellant's subsequent evidence.' That statement is not at odds with the law. The particular discrepancy referred to by the judge at [40] concerns a photograph of a work colleague wearing LTTE uniform. The judge noted that in his screening interview the appellant claimed that his interrogators had 'wanted to know if [the colleague] belonged to the LTTE.' As the judge noted, the appellant's other evidence indicated that his interrogators knew that the colleague was a member of the LTTE so the question would have been pointless. The judge's analysis has exposed a discrepancy in the appellant's evidence which the judge was entitled to find undermined the appellant's credibility.

5. Thirdly, the appellant asserts that the judge did not consider Presidential Guidance concerning his 'claimed vulnerabilities' as a witness. The appellant claimed to be suffering from depression. The grounds assert that, had the judge had proper regard to the appellant's medical condition, this 'may have resulted in less weight being attached to certain discrepancies in the appellant's account.' The ground is wholly without merit. The judge recorded [53] that there was no diagnosis of PTSD and that the medical evidence showed that the appellant had been suffering from a mild to moderate depressive episode. The judge considered the submission that the appellant had been prevented by reason of his mental condition from claiming asylum earlier [54]. He rejected that submission. Most significantly, there was no medical evidence before the judge to indicate that the appellant's memory had been affected by his mental condition such that the discrepancies in his evidence might be explained. Indeed, the judge notes [60] that the appellant's symptoms had improved significantly and that he did not require ongoing specialist mental health input. The judge did certainly not fall into legal error by failing to make explicit reference to Presidential Guidance concerning vulnerable witnesses; his analysis of the appellant's credibility is detailed and even-handed and I find that he has had regard to all relevant evidence, including the appellant's mental health condition, in reaching his findings of fact.
6. In the circumstances, the appeal is dismissed.

Notice of Decision

This appeal is dismissed.

Signed

Date 3 October 2019

Upper Tribunal Judge Lane

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

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