



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

Appeal Number: PA/13039/2017

THE IMMIGRATION ACTS

**Heard at Field House
On 13th December 2018**

**Decision & Reasons Promulgated
On 16th January 2019**

Before

DEPUTY UPPER TRIBUNAL JUDGE D E TAYLOR

Between

**T N
(ANONYMITY DIRECTION MADE)**

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the appellant: Miss S Iqbal of Counsel instructed by Marsh & Partners

For the respondent: Mr L Tarlow, Home Office Presenting Officer

DECISION AND REASONS

1. This is the appellant's appeal against the decision of Judge Shaw who dismissed his appeal following a hearing at Taylor House on 25th July 2018.
2. The appellant is a citizen of Sri Lanka. He claimed asylum on the basis that he would be at risk on return as a consequence of his involvement with the LTTE and on account of having been detained in Sri Lanka for a period of four years and ill-treated there.
3. The judge made positive findings of fact, accepting that he had shown to the required standard of proof that he would be at risk of detention and

worse if returned to Sri Lanka. Nevertheless, in the Notice of Decision the judge recorded that the appeal was dismissed.

4. The appellant appealed against the decision and permission was granted by Judge Lambert on 13th September 2018.
5. Mr Tarlow, for the Secretary of State, said that it was obvious from the findings of fact made by the judge that he intended to allow the appeal. He confirmed that none of those findings are challenged by the Secretary of State. He agreed that the judge had erred in law and a fresh decision allowing the appeal should be made.

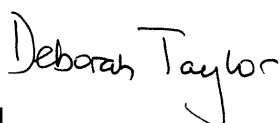
Notice of Decision

6. The original judge erred in law. His decision is set aside. It is remade as follows:-

The appellant's appeal is allowed.

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 4 January 2019

Deputy Upper Tribunal Judge Taylor