



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

Appeal Number: PA/13433/2018

THE IMMIGRATION ACTS

**Heard at Field House
On 1 April 2019**

**Decision & Reasons Promulgated
On 17 April 2019**

Before

DEPUTY JUDGE OF THE UPPER TRIBUNAL CHANA

Between

**MILINAPRAGEH [M]
(ANONYMITY DIRECTION NOT MADE)**

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the appellant: Ms K Wass of Counsel

For the respondent: Mr I Jarvis, Senior Office Presenting Officer

DECISION AND REASONS

1. The appellant, born on [~] 1984, a citizen of Sri Lanka, appealed against the decision of the respondent dated 16 November 2018, refusing to grant him asylum and humanitarian protection in the United Kingdom.
2. First-tier Tribunal Judge M. R. Oliver dismissed the appellant's appeal in a decision promulgated on 17 January 2019. Permission to appeal was granted by First-tier Tribunal Judge O'Brien who stated that it is arguable that the Judge made factual errors concerning the evidence and failed to

apply the relevant country guidance case of **GJ and others (post - civil war: returnees) Sri Lanka CG [2013] UKUT 00319**.

3. At the hearing it was agreed by the parties that there has been a material error of law in the decision for the reasons given by the permission Judge and that the appeal be sent back to the First-tier Tribunal for a rehearing.
4. I have considered the decision and agree that there has been a material error of law in the decision as the Judge did not consider the country guidance case and did not take into account recent events which arguably could have rekindled the authorities' interest in him.
5. Therefore, as it stands the decision is not safe and findings of fact need to be made on the evidence in the country guidance case of **GJ and others**.
6. In the circumstances, I direct that the appeal be placed before any First-tier Tribunal Judge apart from First-tier Tribunal Judge M. R. Oliver for the appeal to be heard de novo.

Decision

Appeal remitted to the First-tier Tribunal

Signed by

A Deputy Judge of the Upper Tribunal

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Ms S Chana

Dated 14th day of April 2019